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Denman, Hon. Justice
Derby, Earl of
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Dudley, Earl of
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Dunn, E. C.
Dunsany, Lord

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Roberts, Henry, F.S.A.
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Shaen, William
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†Smale, Sir John

Smith, Goldwin, M.A.
Sperling, Arthur
Stanhope, Hon. Edward, M.P.
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Office of the Association.

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LAWS OF THE ASSOCIATION.

Object and Organisation.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises five Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; the fourth, for Economy and Trade; and the fifth for Art.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas, is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Half a Guinea to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a President of Council, a General Secretary, a Treasurer or Treasurers, Foreign Secretary, and Secretaries of Departments, who are annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any Learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on

the recommendation of the Council, for special services to the Association.

10. Such Members, not exceeding twelve, as shall be annually nominated by the Council, on the recommendation of the Executive Committee.

XII. The Executive Committee consists of the President of Council, the General Secretary, the Treasurer, the Foreign Secretary, one Secretary from each Department nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of Papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days' notice, for such purpose, and at such time and place, as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading Papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to, and approved by, the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such Meetings, and of using the Library at the office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two Representatives to attend the Meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of eligibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held by Law XIV.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power to appoint Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The President of Council is, *ex officio*, a Member of every Standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on account of the Association are paid into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX., or in any other office of the Association.

BALANCE SHEET FOR THE YEAR ENDING JUNE 30, 1881.

1880.	RECEIPTS.				£	s.	d.
July 1.	To Balances:—						
	London and Westminster Bank:—						
	Deposit Account	£100	0	0			
	Current do.	78	6	11			
	Ransom & Co.	69	6	0			
	Cash at Office	2	0	4			
1881.					249	13	3
June 30.	„ Subscriptions received at Office	410	1	0			
	„ „ „ Bankers	289	16	0			
	„ Life Payments	21	0	0			
					720	17	0
	„ Edinburgh Congress Sale of Tickets ...				624	13	6
	„ *Transactions* and Publications sold ...				56	5	9
	„ Use of Rooms for Meetings				60	4	6
	„ Advertisements				8	17	0
	„ Interest on Deposit				1	0	11
					£1,721	11	11

1881.	PAYMENTS.					£	s.	d.
June 30.	By Printing:—*Transactions* of 1879 ...					317	3	9
	„ „ *Sessional Proceedings* ...					55	3	9
	„ „ General Account					90	11	0
	„ Rent, Gas, and Repairs					250	14	2
	„ Salary and Wages					355	12	1
	„ Office Expenses					96	15	6
	„ Library—Books, Bookbinding, &c. ...					15	15	9
	„ Stationery					21	14	8
	„ *Transactions*, Delivery, 1879	19	7	1				
	1880	24	16	11				
						44	4	0
	„ Postage					68	12	3
	„ Travelling Expenses					59	9	6
	„ Reporting Proceedings					83	4	2
	„ Parliamentary Papers					7	5	0
	„ Advertising					5	0	6
	„ Renewal of Lease: Law Costs					11	0	6
	„ Grant to Committee on Copyright ...					21	0	0
	„ Balances:—							
	London and Westminster Bank:—							
	Deposit Account ...	100	0	0				
	Current do. ...	91	8	1				
	Ransom & Co. ...	24	19	0				
	Cash at Office ...	1	18	3				
						218	5	4
						£1,721	11	11

Examined and found correct—

July 8th, 1881. A. EDGAR, ROBERT WHITE, } AUDITORS.

INTRODUCTION.

THE Twenty-fifth Annual Congress was held at Dublin, from October the 3rd to October the 8th, 1882, and was the third occasion on which the Association had met in Ireland. Although the circumstances under which the Congress took place were exceptional, and an attendance below the average would perhaps not have been surprising, it is very gratifying to record the brilliant success of the meeting, which, whether judged by the high standard of the addresses and many of the papers and discussions, or by the number of tickets issued, exceeding 1,100, may without doubt be considered as one of the most important of recent years. Favoured by almost perfect weather, and furnished with ample and concentrated accommodation under the roof of the new buildings of Trinity College, the departmental work of the Congress was carried out with signal success. The Examination Hall was well adapted for the purposes of the Reception Room, and here all was done by the local officials to make it a pleasant and a useful *rendezvous*. The Addresses of Presidents of Departments were delivered in the Front Hall. To the Board of Trinity College, for thus placing their buildings at the disposal of the Association, and for their kind co-operation throughout the meeting, a hearty acknowledgment was accorded.

The proceedings of the Congress were opened in the Concert Hall of the Exhibition Palace, on the evening of Monday, October the 3rd, when, in the unavoidable absence of the President of the past year, his successor to the chair, Lord O'Hagan, was introduced by the President of the Council,

Mr. Hastings, M.P. Lord O'Hagan then delivered his inaugural address, for which afterwards a vote of thanks was moved by the Lord Mayor of Dublin, supported by Professor Bonamy Price and the Hon. David Dudley Field, and carried by warm acclamation.

On Tuesday, October the 4th, a soirée was given by the Statistical and Social Inquiry Society of Ireland, in the rooms of the Royal College of Surgeons; and on the following evening the Right Hon. the Lord Mayor and the Lady Mayoress received the members and associates at a soirée at the Mansion House. On Friday evening a conversazione was given by the Royal Dublin Society, when their house in Kildare Street was thronged by visitors.

Excursions were organised to Artane Industrial Schools, High Park Reformatory, St. Kevin's Reformatory, and to other places of interest and attraction. The President of the Association and Lady O'Hagan also received and hospitably entertained the members and associates at a luncheon and garden party at Woodlands.

The concluding General Meeting was held on Saturday, October the 8th, when reports from the Council and the Departments were presented,[1] and the business of the Congress was brought to a satisfactory termination. Recommendations to the Council, affirmed in resolutions passed in the Jurisprudence, Health, and Economy and Trade Departments on the subjects respectively of Foreign Marriage Laws, Administration of Hospitals, and disability of Women to act as Guardians under Irish Poor Laws, were referred to the Standing Committees at the November meeting of the Council. In regard to the reference on the Administration of Hospitals, the Committee were authorised to invite the attendance and support of others specially interested in this question, which is now one of growing importance. Many meetings, largely and influentially attended, have taken place, and a Report embodying valuable

[1] See Appendix A.

recommendations will shortly be presented to the Council. The reference on Irish Poor Laws was extended in its terms in order that it might be made to embrace inquiries on the larger and more pressing questions of Irish Rating Areas and Out-door Relief.

Since the issue of the last volume of *Transactions*, Papers on the following subjects have been read and discussed at the evening meetings of the Association: 'Observations on the Proposed Measures for the Prevention of Floods,' by Mr. J. F. Bateman, F.R.S.; 'The Copyright Bill, 1881,' by Mr. Westlake, Q.C.; 'A Consolidation of the Acts Relating to Reformatory and Industrial Schools,' by Lord Norton, K.C.M.G.; and, during the present session, an 'Opening Address' by Sir John Smale; 'On the Necessity of a Public Inquiry into our Hospital System,' by Mr. Timothy Holmes, 'Reforms in the Lunacy Laws,' by Mr. Commissioner Miller, Q.C.; 'On the Bankrupt Law, with a view to Legislation in the coming Session,' by Mr. Motteram, Q.C.; and 'Bankruptcy and Liquidation,' by Mr. Harold Brown.

The progress in Parliament of the Copyright Bill, initiated by a Committee of the Law Amendment Society, was, like that of many other measures, retarded during the last Session, and the Bill was eventually 'slaughtered' with other 'innocents.' In the *Sessional Proceedings* of May the 12th, 1881 (vol. xiv. No. 3), a list was given of contributions promised or received in response to the appeal issued by the Committee on behalf of the special fund to meet the expenses of preparing and promoting the Bill, which, in a modified form, will be again proceeded with during the current Session. With a view, however, of narrowing the scope of the measure, which in its original form would have embraced international and colonial literary Copyright, and affected the interests of various Departments of Government, and considering, moreover, the present state of Parliamentary business, which seriously interferes with the promotion of Bills by private

members, the Committee have decided that it would be wise to divide the Bill in two, and to proceed in this Session with a measure confined to the requirements of the Fine Arts, Music, and the Drama. A Bill on this basis is now being drafted, and will be shortly introduced into Parliament by Mr. Hastings, M.P. A short Report, conveying an intimation of this proposed modification and a statement of the receipts and expenditure up to the present time, has been prepared and issued to the contributors to the special fund.

The Married Women's Property Bill, which was introduced into the House of Commons last Session by Mr. Hinde Palmer, Q.C., M.P., was considered by the Council, and a petition[1] in its favour ordered to be presented. The Bill, however, was committed to a Select Committee, and, after having been re-committed to a Committee of the whole House, was withdrawn at the end of the Session. It is now a source of gratification to know that the importance of the measure has been recognised by the Lord Chancellor, and that he has himself this year introduced into the House of Lords a Bill, almost identically the same as the one supported by the Council of the Association.

A Joint Committee of the Repression of Crime Section and the Economy and Trade Department considered the question of a system of Superannuation for the Police of Scotland, which had been referred to the Council by the Section at Edinburgh The Council felt that they could very properly support the recommendation of their friends in Edinburgh, and they therefore adopted a memorial in its favour. This was presented to the Lord Advocate, who undertook to draw the attention of Her Majesty's Government to the prayer it contained, viz. 'That measures may be adopted which shall secure to the Police of Scotland the same privileges, with regard to pensions, as are enjoyed by the constabulary of England and Ireland.'

[1] See Appendix B.

A Joint Committee of the Repression of Crime Section and the Education Department were unable to concur in the recommendation adopted at Edinburgh, 'That it is desirable that so much of the Reformatory Act as makes it necessary that a juvenile offender should be committed to prison before being sent to a Reformatory should be repealed, and that the Council be requested to take the matter into consideration, with a view to memorialising Her Majesty's Secretary of State for the Home Department accordingly.' As in the Council there was considerable difference of opinion on the subject, it was deemed prudent not to commit that body to the expression of a decided vote. A feeling was, however, manifested in favour of investing magistrates with a discretionary power.

The resolutions adopted in the Health Department at Edinburgh have been carefully considered by the Standing Committee and the Council. The recommendation in reference 'to the necessity of powers being obtained for the compulsory registration of infectious diseases' was warmly taken up by the Council at their meeting in February, when the following resolution was passed:—

'That, in future amendments of the law, provision should be made for the compulsory notification of infectious diseases, and that the certificate should be transmitted by the medical attendant to the sanitary authority; but if there be no medical attendant that it should be obligatory on the occupier or person in charge to make the notification.'

The terms of this resolution were very ably enforced on the President of the Local Government Board by a deputation from the Association which waited on Mr. Dodson on the 26th April last, when there were also present deputations from the Vestries and District Boards of Works, the British Medical Association, the Society of Medical Officers of Health, and the National Health Society, received by the President for the purpose of hearing their views in reference to the following resolutions which had been adopted at a Conference at Ken-

sington of delegates from Metropolitan Vestries and District Boards of Works :—

'1. That in the interests of public health, and to enable Nuisance Authorities to discharge the duty of checking and preventing the spread of infectious diseases, such as small-pox, scarlet fever, &c., provision should be made by legislative enactment to secure the compulsory disclosure to the said authorities of all cases of such diseases immediately after their occurrence.

'2. That the provisions of the 26th Section of the Sanitary Act, 1866 (Section 124, Public Health Act, 1875), are insufficient for the protection of the public health, and should be so amended as to empower any Justice to direct the removal to a hospital within the district of the Nuisance Authority, of any person suffering from any dangerous infectious disorder, and being without proper lodging or accommodation such as to enable patients to be properly isolated, so as to prevent the spread of disease to other inmates of the same house, or to be properly treated.

'3. That the admission into hospitals for the purpose of isolation of persons suffering from infectious diseases, and being without proper lodging or accommodation, is eminently desirable in the interests of the public and should be encouraged: that payment for the assistance given in hospitals to such persons removed thereto for isolation by the Nuisance or Poor Law Authority should not be enforced; that the giving of such assistance should not entail on the recipients the loss of any social or political status; and that the cost of hospital treatment of such infective sick persons should be made a charge on the Metropolitan Common Poor Fund.

'4. That the President of the Local Government Board be asked to receive a deputation to present the foregoing resolutions, and make request that he would be pleased to bring under the notice of the Government the desirability of taking measures for giving effect to them by legislation.

'5. That copies of the foregoing resolutions be forwarded to the several Vestries and District Boards of Works; the Commissioners of Sewers for the City of London; the Council of the British Medical Association; the Council of the Society of Medical Officers of Health; the Council of the Social Science Association; the Managers of the Metropolitan Asylums District; and the Board of Guardians in the Metropolis: that each of the several Vestries and District Boards of Works, should they approve the resolutions, be requested to appoint two gentlemen to take part in the deputation to the President of the Local Government Board, and that the other bodies above referred to be invited to co-operate with the deputation in order to secure the objects embraced in the resolutions.'

In order to give still more practical effect to the direct recommendation of the Council, Mr. Hastings, M.P., in July last, by resolution, was requested to introduce into the House of Commons a short and simple Bill for carrying out the compulsory notification of infectious diseases. This measure, however, came under the operation of the 'Half-past Twelve' Rule, and was withdrawn at the close of the Session. But it has again been introduced, and vigorous efforts will be made to secure for its provisions ample support. A copy of the text of last year's Bill—similar to the one now before the House—will be found in this volume as an appendix to the paper by Mr. Michael, Q.C.[1] A Bill for the same purpose has also been introduced for Ireland, the principle of notification being based on a compromise that appears to have been generally accepted. It is proposed that primarily the person in charge of the inmate suffering from an infectious disease, or the occupier, *shall* be responsible for causing notice thereof to be given to the Sanitary Authority; but that the medical attendant *may*, if it be thought fit, make the notification; and in the case of its being made by the latter the production of a certificate to be given by him to the patient shall be a good defence against any penalties.

[1] See p. 539.

The Standing Committee of the Health Department had under their consideration the Alkali, &c., Works Regulation Bill, which was introduced as a Government measure in the House of Lords in March last, and received the Royal assent in the following August. They were disposed to give on the whole a cordial support to its provisions, although they were of opinion that the benefit resulting from the Bill would be much more decided if clauses were introduced enabling the Inspectors to inspect all manufactories in which processes are carried on that give off noxious gases, especially such as have sulphur, nitrogen, or chlorine, as component parts; and it was felt that the Local Government Board should have power to enforce the discontinuance of such discharges when it could be shown that such discontinuance could be effected at a moderate cost. A resolution embodying these recommendations was forwarded to Mr. Dodson.

The Health Committee have also had brought under their notice the operation of the Canal Boats Act of 1877, and they issued, in December 1880, the following series of questions to all the Registration Authorities charged with the administration of the Act:—

1. Has the Sanitary Authority been constituted a Registration Authority for carrying out the Canal Boats Act?

2. What is the number of boats plying within the area of the said Registration Authority?

3. What number of Certificates, up to the present time, have been asked for and granted?

4. Who acts as Examining Officer in your District, and at what salary?

5. Who conducts the inspection required under the Act after the boat has been duly registered, and at what salary?

6. What is the working, so far as you can ascertain, of the Sections in the Act which relate to Education?

7. Are there any difficulties attending the carrying out of the sanitary provisions of the Act? If so, what is their nature?

8. Will you be good enough to supply the result of experience as to the value of the Act, and to point out any defects therein that in your judgment require amendment?

The replies which the authorities were good enough to furnish to the above questions will be found in a tabular statement in the *Sessional Proceedings*, issued in May last (Vol. XIV., No. 4). From this statement it will be seen that the number of canals and navigations comprised in registration districts is 85, and that the total number of registration districts is 120. Replies have been received from 42 districts, and in 39 of these the Registration Authority has been constituted. Deducting 3 cases of 'boats registered elsewhere,' 3 of 'boats not used as dwellings,' and 1 of 'no boats plying,' there remain 32 Registration Authorities which have furnished the following results: The Act is considered satisfactory in 20 cases; suggestions for improvements are made in 13; and in 6 no returns are given as to the working of the Act. The education clauses are reported to be unsatisfactory in 4 instances. The suggestions for amendments—which will be found under the Canals marked Nos. 14, 23, 25, 34, 39, 58, 60, 66, 67, 73, and 74—are practical and valuable, and will, no doubt, receive attention on the part of those who are moving for an amendment of the Act.

In response to an invitation from the Joint Committee of the National Health and Kyrle Societies, asking the Association to appoint a delegate to act on the Joint Committee with a view of advancing and assisting their further proceedings, Dr. Alfred Carpenter has been appointed by the Council as the representative of the Association.

In the Economy and Trade Department a recommendation from the Section at Edinburgh that Parliament should be petitioned to adopt means for raising the Indian revenue without encouraging the production and consumption of opium was carefully considered. The Council, however, not being unanimously of opinion that any practical good could result

from the adoption of the course recommended, a motion was carried in favour of the 'previous question.' The resolution from Edinburgh, suggesting that the Council should draw the attention of Government to the recommendations of the Royal Commission of 1877 on Railway Accidents, was also dealt with in the same way, the Council considering the terms of the suggestion somewhat too vague and too general for adoption in any manner likely to produce practical and useful results.

The following resolution adopted in the Art Department at Edinburgh was duly reported to and considered by the Council:—

'That the Council be asked to appoint a Committee to promote the establishment of a Royal Dramatic Society, if, on inquiry, they should consider this possible and desirable.'

A letter from Professor Fleeming Jenkin, the author of this proposal, having been read, the Council passed the following resolution:—

'That the following noblemen and gentlemen, viz. Lord Reay, Lord Houghton, Sir Frederick Pollock, Bart., Sir Coutts Lindsay, Bart., Sir Frederick Leighton, P.R.A., Mr. William Spottiswoode, P.R.S., Mr. Hastings, M.P., with Professor Fleeming Jenkin as Secretary, be requested to serve on a Committee (with power to add to their number) to (A) report to the Council whether in their opinion the establishment of a Royal Dramatic Academy or School is desirable; and (B) if a sound proposal should be made with this object by a body in any sense representative of the dramatic profession, to give this proposal any support which they think wise, and which may be asked for.'

The object in separating the reference, as indicated in the above resolution, was twofold: If the actors could not bring a scheme of their own (which already had been under their consideration) to a head, Professor Jenkin explained that it would be easy to issue a short report, favourable or unfavourable, as the Committee might direct. If, on the other hand, the actors

were to perfect their scheme, the Committee would be there, with power to help, if they should be asked to help. This would put no one in a false position. The Committee would not be bound to take any action, and would indeed be committed to no opinion. This Committee has not, however, been formally constituted, the result of preliminary inquiries having shown the desirableness of deferring for the present any action in the direction indicated in the Edinburgh resolution.

The Council have received from Dr. Alfred Carpenter, one of the representatives of the Association on the governing body of the Metropolitan Provident Dispensaries' Association, a report of the preliminary proceedings for the establishment of Provident Dispensaries. A copy of this report will be found in the Appendices to this volume.[1]

In response to an invitation from a Committee organised at Frankfort-on-the-Main for the purpose of celebrating the 50th anniversary by Dr. Varrentrapp of his obtaining his doctor's degree, the Council had pleasure in joining in the movement, and ordering that a letter of congratulation should be sent for the occasion. Dr. Varrentrapp has been a Foreign Corresponding Member since the formation of the Association, and is well known in Germany as an energetic and successful sanitary reformer.

Mr. William Lawson having resigned the office of an Honorary Secretary of the Jurisprudence Department, his present engagements interfering with the discharge of its duties, Mr. A. Herbert Safford has been appointed Honorary Secretary of the Repression of Crime Section. Mr. George Baden-Powell has also been appointed an Honorary Secretary of the Economy and Trade Department.

The Council requested Mr. C. H. E. Carmichael to represent the Association at the Third International Geographical Congress, which was held at Venice in the autumn of last year. Although unable personally to take part in the work of the

[1] See Appendix C.

Congress, he presented to the Council at Dublin an interesting Report on its objects and proceedings. A copy of this Report will be found in the Appendices to this volume.[1]

A statement of accounts for the financial year ending June 1881 is annexed, showing a balance in favour of the Association of 218*l.* 5*s.* 4*d.*

The Council has to record with sincere regret the death, since the last issue of the *Transactions*, of several members of the Association, prominent among whom, as having rendered valuable assistance to the Association, were the late Lord Hatherley, the Right Hon. W. N. Massey, M.P., Sir Robert Christison, Bart., M.D., D.C.L., Sir Antonio Brady, Dr. Humphrey Sandwith, C.B., D.C.L., Dr. Hardwicke, and Mr. Stephen S. Alford. Lord Hatherley was one of the oldest members of the Law Amendment Society, and, as Vice-Chancellor Sir W. Page Wood, presided over the Jurisprudence Department of the Association at the Bradford Meeting in 1859. Mr. Massey presided over the same Department at Birmingham in 1868. Sir Robert (then Professor) Christison filled the chair of the Health Department at our first Meeting at Edinburgh in 1863. Sir Antonio Brady had been an active member of the Association, especially in regard to questions coming under the Economy and Health Departments, for nearly twenty years. Dr. Humphrey Sandwith, the author of 'The Siege of Kars.' was also an old member of the Association, and his services in connection with the labours of the Health Committee were much appreciated. Dr. Hardwicke was for many years an energetic and devoted Hon. Secretary of the Health Department, and did much to maintain its reputation for thoroughly earnest and useful work. During his tenure of office he was the chief promoter of some of the sanitary exhibitions held in connection with past annual Congresses, the exhibition at Brighton being one of the most successful of the series. He was also the author of books on

[1] See Appendix D.

sanitary questions and of valuable papers read at many of our meetings. Mr. Alford was an author of several works on dipsomania, and, as the chief promoter of the movement for the establishment of a Home for the treatment of dipsomaniacs, the loss of his earnest and indefatigable services will be severely felt. The Council have also to record the death of the Marquis d'Avila, one of our foreign corresponding members. The other members whom the Association has lost by death are the Hon. A. D. Ryder, Major Waterhouse, M.P., R. R. Arntz, Henry Ashworth, Edward Burkitt, Charles Clark, Q.C., J. H. Elliott, Daniel Forbes, W. E. Frere, William Henty, James Moir, and J. Perry Watlington.

The Congress this year will be held at Nottingham, an invitation from the Mayor and Corporation to visit that town having been received and accepted during the recent meeting at Dublin. It will commence on Wednesday, September 20.

It only remains to add, in conclusion, that the present volume has been edited by a Committee, consisting of the President of the Council, the Honorary Secretaries of Departments, and the Secretary.

J. L. CLIFFORD-SMITH,
SECRETARY.

March 1882.

BOSTON MEDICAL
AUG 27 1890
LIBRARY ASS'N.

Opening Address

BY

THE RIGHT HONOURABLE LORD O'HAGAN,

LORD CHANCELLOR OF IRELAND,

PRESIDENT OF THE ASSOCIATION.

IN the year 1861, the fifth congress of the National Association for the Promotion of Social Science was held in this metropolis. It was a pleasant and a prosperous meeting. There was much of genial hospitality and kindly intercourse during its continuance; and the business of the Congress was conducted by very distinguished persons. The place I have now the honour to hold was occupied by one who gave it lustre by his high ability, his singular endowments, and his life-long services in the cause of legal and political reform and human liberty. Lord Brougham was then in a ripe old age; and he was well sustained by the great French economist, Michel Chevalier, by Sir John Shaw Lefevre, who was one of the wisest and worthiest men I have ever known, and my late lamented friend Chief Justice Whiteside. They have passed away. Their eminent associates—Judge Longfield, Baron Holtzendorff, Sir Joseph Napier, and others,—still happily survive. I had the good fortune to act along with them; and I scarcely remember a week spent with a more grateful combination of intellectual profit and social enjoyment. I am reminded of it by some of the old familiar faces which then became known to me, and are now before me; and I recur to the recollection, that I may express my confident hope of a repetition of the success which was at that time achieved, and offer to the Congress, on behalf of my countrymen, the same warm and cordial welcome which greeted its coming 'twenty golden years ago.'

Usage casts upon me the honourable but onerous duty of

addressing some observations to this great assembly. I call it onerous, remembering the long line of remarkable men—which includes, with Lord Brougham, Lord Russell, Lord Shaftesbury, Lord Carnarvon, Lord Dufferin, the present Bishop of Manchester, and many more—who have been your Presidents; and have exhausted all the forms of speech which could be enriched by their high culture and wide experience. I feel that anything I can say, in poor succession to them, must 'come tardy off.' But at least I shall endeavour, avoiding the ambition of originality and foregoing the opportunity for eloquence, to speak of matters which I may be supposed to understand, as I have had practically much to do with very many of them; and which may have something of novelty and interest, as they pertain to Ireland, and regard exclusively questions, within the domain of Social Science, which bear on her condition and affect her future.

It seems to me, that your President should scarcely intrude on the sphere of those who will direct the proceedings of special sections, by taking a particular subject and exhausting upon it ingenuity or erudition. Neither do I think that I can profitably range through the endless diversities of human affairs, with which your inquiries are conversant: and attempt to indicate all the aids which your Association has given to the progress of those inquiries, and all the successes which have encouraged its efforts for the amendment of the law and useful economic change. Those aids have been effective, and those successes have been great. For a quarter of a century labouring, not at your Congresses only, but at frequent meetings, in every month, in London, your active members have watched the progress of legislation: ascertaining and arranging facts on questions of current interest: formulating Parliamentary enactments: urging the appointment of Parliamentary committees: and circulating reports for the guidance of opinion, in Parliament and out of it, which have had a very appreciable and a very salutary influence. At my desire, your efficient secretary has furnished me with a record of the work of the Association, since it was established in 1857; and the continuous energy and unslumbering activity which that record demonstrates, during the long interval, in promoting measures of public utility—many of which have obtained the sanction of the Legislature—have been most meritorious and most honourable to the institution.

It has been of especial value in keeping up a continuous protest against abuses in law and procedure, which, though of serious mischief, did not rouse popular feeling or attract

popular resistance; and in making continuous claim to necessary improvements, which were not easily capable of general appreciation, or attractive of earnest support from ordinary politicians. The Patent Law, the Law of Copyright, the system of Public Prosecution, the Digest and Codification of the Statutes, the Law of Evidence, Prison Discipline, the Government and Administration of Public Schools, the Improvement of the Public Health, the Promotion of Temperance by wise arrangements as to the Licensing System and the regulation of the Liquor Traffic, Trades' Unions and Strikes, the Protection of Life and Property at Sea—these and a host of kindred matters have received laborious attention from your Society, since the moment of its birth; and it has done good service in them all, without idle ostentation or pretentious publicity.

As was long the fortune of its predecessor, the British Association for the Advancement of Science, it has been made, more or less, the object of abuse and ridicule, by persons having no sympathy with its purposes or capacity to judge its work. And, no doubt, every such association, which permits public discussion of controverted questions, must sometimes tolerate empty talkers and conceited sciolists, whose weakness or folly may give occasion for sneering to those who delight, with reason or without, 'to sit in the chair of the scorner.' But with all their drawbacks, such discussions tend to awaken thought and educate opinion. It is well that people should meet together, and look each other in the face, and test the value of their respective views by comparing and contrasting them, even at the cost of listening sometimes to words which neither amuse nor edify.

The result is worth the trouble of attainment, if prejudice is so dispelled and toleration of honest difference promoted; and if, whilst men appraise at their true value exact science and investigation of the wonders and the beauties by which the material universe attests the power and goodness of the Creator, they are led to value, also, inquiries which affect the order, the comfort, and the happiness of human life, and are pursued, with fruitful interest, by those who believe, that—

'The proper study of mankind is man.'

Estimating thus the aims and the methods of your Association, I have resolved, instead of surveying the wide field of its multifarious labours, to undertake an humbler task, and to speak to you only of the legal and social reforms which have been accomplished in Ireland since you were last assembled here. I

deem it fitting that your Congresses should be utilised by something of local inquiry and local information about the communities to which they are successively invited. In very many of those communities, and certainly in Dublin, they have been the authors of valuable local improvements. Ireland, and her peculiar condition, are not too well understood in other countries; and some of you may be pleased to learn what she has striven to do, and what she has achieved, in your own sphere of action, from the date of our former meeting. I shall not trouble you with elaborate statistics or lengthened disquisition, but content myself, as I have said, with a simple indication of a series of beneficial changes which, to the people of this island, have been reasonably subjects of congratulation.

I shall point to those changes as they connect themselves with the several departments of the business of the Congress.

And, first, as to those amendments of the Law which were the exclusive object of the Society from which your larger Association had its origin. Soon after 1861, a strong Commission, having upon it the most eminent persons at the Bar and on the Bench in Ireland and England—The English and Irish Law and Chancery Commission—after many sittings in Dublin and in London, produced an excellent report as to the constitution of our legal tribunals. It led to practical results of an important kind: and ultimately the many and marked differences which, in 1861, separated the English system from the Irish were substantially done away: and that assimilation of practice and procedure which, for manifest reasons, is so desirable between systems of Judicature, identical in their sources and their principles, was happily accomplished. I do not say that further serious alterations may not be necessary in the judicial machinery which has been so assimilated, and may be still further assimilated with advantage; but practical improvements have been undoubtedly achieved, which give to our central administration of justice a harmony and an efficiency unknown to it before.

I cannot pause to indicate many of the details of those improvements. But I may briefly say that, in the constitution of the Appellate Court of Ireland, and the substitution of continuous action by two Courts sitting permanently, save in vacation and when the Judges are on circuit, for the old trials at Nisi Prius after Term, the greatest benefit has been conferred upon the public. When the Barons at Runnymede gave their noble promise, *Nulli vendemus, nulli negabimus, nulli differemus rectum vel justitiam*—of the three great undertakings—not to sell, nor to deny, nor to delay justice—the last was not the

least momentous. For generations, the judiciary of these countries have been happily free from the suspicion of corruption. No man imputes to them a design to make commodity of their office, by refusing his rights to any suitor or trafficking on their exalted trust. But 'the law's delay' has never ceased to be the subject of complaint, since Shakspere numbered it amongst the intolerable tortures of humanity; and any change which diminishes its mischief must be hailed as a blessing by a civilised community.

The Appellate Court is open to complaining litigants in every inferior tribunal, from that of the County Judge to that of the Lord Chief Justice; and its despatch of business is free from the obstructions and embarrassments which were too effective for evil in the days of the Court of Error. The Consolidated Nisi Prius Court gives quick and full relief; and its value is demonstrated by the fact, that the mere facility of approach to it has increased its business remarkably—so that 215 cases tried by its judges in 1878 became 266 in 1879, and 300 in 1880.

So much for the High Court of Justice, of which I can speak no more. But equal or greater advance has been made in the jurisdiction and arrangements of our County Courts. They were an old institution in Ireland, and furnished the precedent for the County Courts of England. The proceeding by Civil Bill for the recovery of small debts existed with us, from an early period. It was, at first, administered by the Judges on their circuits, and was the subject of statutable provisions from the time of George the First. So far back as 1796, the office of Assistant Barrister was created, and his Court, with continually extending civil jurisdiction, became one of great importance to the people. It was oddly constituted, being a court of law for the plaintiff and a court of equity for the defendant. For a long time, this had been found inconsistent with the effective administration of the law. In very many cases, poor men, or men of moderate means, were unable to assert plain equitable rights from incapacity to sue in the Court of Chancery. Through the earnest intervention of my distinguished predecessor (Dr. Ball) the evil was rectified. The County Judge has now a jurisdiction in equity, and, to a great extent, it is utilised by the suitors of his tribunal. The local Judges in England possessed it for twelve years before it was given to their Irish brethren. But it is already employed more largely here. In 1880 the Irish cases were 616 as compared with 125 in the same extent of English population, and the matters in dispute amounted in value to 59,996*l.* in Ireland,

whilst in an equal extent of English population, they were only 17,560*l.* in amount.

The benefit to the poorer country has been very great indeed.

In many other ways, the County Courts—a highly popular branch of our judicial establishment—have had their jurisdiction extended, and been made more effective, and, equally in their action and in that of the High Court, we need not be ashamed of Irish progress.

But I must pass to another topic. In the year 1861, the Lunacy Laws of Ireland were almost in the condition in which they had remained after the abolition of the Court of Wards; save as to the establishment of District Asylums for the poor, the inspection of Lunatic Asylums generally, and the rules for the regulation of admission and release.

The actual treatment of this unhappy class of our fellow-beings had been greatly changed for the better from the time, within living memory, when they were dealt with not as patients to be cured or even as prisoners to be guarded, but as caged beasts, to be tormented at the will of sordid physicians or brutal keepers. Towards the close of the last century, Pinel, in France, and Tuke, in England, exposed the horrors of Bicêtre, York, and Bethlem; and awakened the public conscience to a sense of the cruelty and crime which pervaded lunatic establishments, public and private, without restraint or punishment. But the evil did not promptly find a sufficient remedy.

It was only in 1815 that a Committee of the House of Commons, making an authoritative pronouncement against still existing iniquities, compelled protective legislation in several measures which were, more or less, of service. At last, in 1853, the Lunacy Regulation Act was passed, which, for England, accomplished great and beneficial changes. But when your Congress met in Dublin seven years afterwards, that Act had not been extended to Ireland, and the protection given to our lunatics continued, as I have said, very inadequate indeed. In cases under the control of the Court of Chancery, there was no sufficient provision for the care even of those possessed of ample means, by proper visitation and report; and none for the discovery of persons kept privately in duress, and subjected to ill-treatment. No lunatic could be brought under the protection of the Court, without the great cost and painful exposure of a Commission. And whilst such a state of things was evil in relation to the rich, sufferers of small fortune could not receive even that protection.

All this has been happily altered since 1861. Ten years afterwards, the Irish Lunacy Regulation Act embodied all the useful provisions of the English statute, and added many which have been found most salutary. There is now no necessity for a commission in the vast majority of cases, which are plain and simple; or unless the alleged lunatic be of mental capacity to demand an enquiry, or lives beyond the jurisdiction. The most careful investigation is instituted, and the fullest notice given, in every case; and, for the past five years, only one Commission has been demanded, and only one actually sped from the absence of the lunatic.

The Act, thus cheap in its administration, and sparing, as far as possible, annoyance or pain to relatives—whilst it is rigidly guarded against abuse, and has never, in a single case, been assailed for any improper or incautious application of its powers—has been of large and increasing utility. In 1871, the number of returns furnished to the Lunacy Office from the Committees of Estates was 97, and, in 1880, it had risen to 194; whilst, in 1871, the reports from medical visitors had been 103, and, in 1880, they had increased to 364.

This Statute, although successful in its operation, could not reach a large class of persons in poor circumstances, and, for their protection, a further Act was passed in 1880, enabling the friends of an alleged lunatic to obtain from the County Court Judge, at very little expense, a declaration of lunacy, with a scheme for the management of his person and his little property; and also to secure for him the advantages of medical visitation and stated reports on his condition and treatment. A similar Act was passed for Scotland in the same Session (the Judicial Factors' Act), and in this needful reform Ireland and Scotland are both in advance of England.

This will complete the necessary protection of persons to whom the public asylums are not available, from their possession of pecuniary means; but I lament to say, that beyond the Court of Chancery, and the County Court, and the County Asylum, there are multitudes of unhappy creatures—people of weak and disordered minds—who go at large through the country without any legal care. They are numbered by hundreds and thousands. Years ago, it was calculated that there were 8,151 imbeciles and idiots in Ireland—of whom 1740 were in workhouses, 638 in asylums, and 5,733 utterly neglected. The lapse of time has not lessened the number: and, although various efforts have been made in the Legislature to do something for these wretched sufferers, they still remain wandering about in their unregarded misery. This sad condition of things

does not properly come within the scope of an address, which aims to state achievements and not failures in the way of well-doing; but I have felt it impossible to part from the subject of Lunacy law without expressing my strong and earnest feeling, as I have often expressed it in a higher place, against the scandalous indifference with which so many of God's afflicted children have been treated by the legislature and the country. I trust that the day is near when such a reproach will be taken away from us; and there has been good preparation for the removal of it, in a lucid and careful report made by a very able Commission, which was appointed by the late Government, and dealt with the subject largely.

Whilst considering the legal changes which have affected Ireland since 1861, I cannot fail to refer to one of the most important of them all—the reform of the jury system. I observe that the subject is to be mooted in one of your sections, and I do not desire to forestal, in any way, the discussion there. But I shall note shortly, as of some interest, the circumstances under which that reform was introduced, and the objects of it. A Parliamentary committee, in 1852, had strongly recommended a change in the existing law, in two particulars. It advised, first, that there should be a rating qualification for jurors, and next, that means should be adopted 'to secure strict impartiality in the construction of the jury panel.' Before 1871, nothing had been done upon this recommendation. The old leasehold qualification had almost ceased to exist, and there was no substitute. The evidence was strong that the jury system had broken down, as well from want of qualified jurors as from the conduct of officials. The necessity of change was manifest and imperative; and that necessity and the difficulty of it were equally demonstrated by nine successive Bills which were prepared, year after year, for the House of Commons, by nine successive law officers, for the purpose of making it. They were all, from various causes, utterly abortive. In 1871, the necessity continued, with aggravation; and I introduced, in the House of Lords, the Bill which was accepted by the Legislature. Proceeding on the two recommendations of the Committee of 1852, it prescribed a rating qualification, and aimed to secure 'strict impartiality' by rendering the Sheriff's packing of a jury impossible. It was sent down to the Commons after the fullest opportunity for deliberation, and after it had been circulated throughout Ireland for a considerable time. No single objection was made in Parliament or by the Press to any of its provisions, and it was amended in the Lower

House, only by the reduction of the amount of qualification it had fixed. It passed, apparently, with universal assent.

Afterwards, a great outcry was raised against it. By some, it was assailed because it took away from the Sheriff the power of selection. That power had been a very formidable one. He could array the panel just as, for any purpose, good or bad, he desired to settle it. There was no check upon him. He could eliminate altogether the jurors not friendly to a cause he favoured; or he could rank them so low in the list as to make it impossible that they should be called, and to render their attendance an idle mockery. The arrangement of the jury, if he was disposed to arrange it, proclaimed a foregone conclusion, and the game of justice, as was said by a great advocate in a famous case, could be played 'with loaded dice'—the stakes, I add, being the lives and liberties of men. And the person clothed with power to do these things was not the High Sheriff, who rarely interfered with his deputy, but a man who, trustworthy though he might be in majority of cases, might also be, in many, without character as he was without responsibility. The Act of 1871 was designed strictly to carry out the recommendation of 1852. It took away the possibility of any malversation of the Sheriff by depriving him of his power of arbitrary choice; and, for the first time since the introduction of English law to Ireland, gave the people an absolute assurance that, for no purpose and in no circumstances, should a Sheriff thereafter select a jury to perpetrate injustice.

It threw open the jury box to multitudes who had suffered perpetual exclusion; and offered them the chance of that moral and political training which has been of such profit to the English race, from their continual opportunities of taking a public and responsible part in the administration of justice. And, of course, it brought a crowd of comparatively humble people into a position they had never occupied before. The higher class of jurors shrunk from association with those of lower station; and there were inevitably exhibitions of ignorance and awkwardness in the performance of duties with which the new men were unfamiliar, but which a little experience would have enabled them to discharge efficiently.

Circumstances have been greatly unfavourable to the working of the new panels. The waves of popular passion which have gone over Ireland would have strained any system, whatever might have been its form or substance; and many of the failures of justice, which have unfortunately occurred, have been caused by the abnormal and unexampled influences with which we

have had to contend. This has been brought out very clearly by the evidence before the Juries' Committee, which has declared that, in its opinion, the two principles of the Act, the qualification by rating and the condemnation of selection, under any circumstances, are just and wise and ought to be maintained.

Proof was given before that Committee that the new jurors were gradually acquiring a knowledge of their business and an aptitude for the doing of it, when the excitement of the time, in certain districts, interrupted the course of their improvement, and induced decisions and failures of decision which admit of no defence. But it would be very unreasonable to form an adverse judgment as to the permanent action of a just principle, because, from a passing disturbance of the general mind, its application may have produced a temporary mischief.

It is not within my province to discuss the suggestions which have been made, for legislative consideration, to meet existing evils. The rating qualification is elastic, and its application may be modified according to circumstances. But the one lasting good, designed and accomplished by the Act of 1871, was the abolition of jury packing, and that good, I rejoice to believe, the solemn finding of the Lords' Committee will secure for ever.

The report has just been printed, and, on a subject of such extreme importance, I shall not trespass much upon your time by reading to you the few sentences in which it pronounces the unanimous judgment of the Peers. They express it thus:—

'We have received evidence from a considerable number of witnesses connected with different parts of Ireland, and holding professional or official positions which afford them opportunities of forming an opinion on the general expediency of the new departure involved by the Act of 1871. To the principles upon which that Act was based the judgment of these witnesses is, as a rule, decidedly favourable.

'The evidence which we have taken leaves no doubt (1) that the qualification required by the Act of 1833 (3 & 4 Will. IV., c. 91), which remained in force till 1871, had become virtually obsolete, and that, owing to the scarcity of qualified jurors, the Sheriffs, in order to obtain a jury panel, were in some instances actually driven to enpanel persons not legally qualified; and (2) that the right of selection by the Sheriff, though probably not often abused, had created a general impression that it was possible to pack the juries, and consequently had led to a widespread suspicion with regard to their impartiality.

'Even those witnesses who are least favourable to the new

system are not prepared to recommend a return to the old, in so far as it permitted the selection of the jurors by the Sheriffs. We share this opinion, and believe that, in order to maintain public confidence, it is absolutely necessary that the selection of jurors should depend upon a fixed system of rotation, and not upon the discretion of any public official.

'We believe, further, that whatever modifications may be possible in the law dealing with the qualification for service on the jury, that qualification must, as a general rule, be founded, as at present, upon the rating of the person qualified.'

And in another portion of the Report the Committee make this statement as to the causes of the existing state of things, indicating that neither the principles of the measure, nor the application of those principles, should be held responsible for it:—

'The evidence which we have received forces upon us the conclusion that in a large part of Ireland no improvement in the composition of the jury, consistent with the principles upon which we conceive trial by jury to be founded, is likely to remove or materially to palliate the unfortunate condition of things which now obtains.'

I pass from the history of legal reforms in Ireland, which I might much extend, if time allowed me, to that of the progress of her educational institutions. Their improvement has been enormous, within the period to which I am confining your attention.

And, first, as to Primary Education. The National Board has existed for nearly half a century. It was the greatest act of the late Lord Derby's life, to have founded it with the purpose of uniting separate religious and combined secular instruction. By the mass of the Irish people, it was received with gratitude and satisfaction, as a happy contrast to the sectarian and exclusive systems which preceded it. It was—as matters educational singularly seem to be throughout the world—the subject of very bitter controversy. Many missed with regret, in its theory of comprehension, the ideal which would have given them secular teaching, not separated from, but interpenetrated with, religious knowledge. And the hostility of various Churches was sometimes excited by compromises inconsistent with the admission of their conflicting claims. The strife was long and earnest. But between opposing forces, sometimes neutralising each other and sometimes sustaining, by their adverse action, the common object of attack, the Board continued to do its work, and gradually to earn attachment from its adversaries. In 1861, the war still raged unpleasantly;

although the wisdom taught by experience to the Commissioners, and the recognition of their fair purposes and impartial administration were gaining them adherents on every side. Since that time, the development of the system has been continuous as it has been vast; just demands have been conceded, hostile pretensions have been reconciled, difficulties have been surmounted, in many ways. And although some improvements remain to be accomplished, the institution has spread its beneficent influence, everywhere, from the centre of the island to the sea, has multiplied its schools by thousands and its pupils by tens of thousands, and widely commands the confidence of the people.

I do not, in this place, dream of discussing the disputes of the past, or the prospects of the future, but notwithstanding my unwillingness to trouble you with dry statistics, I cannot refrain from giving a few figures which tell a marvellous tale of twenty years' endeavour and success.

In 1860, the schools of the Board were 5,632; in 1880, they were 7,590; in 1860, the pupils on its rolls were 804,000; in 1880, they were 1,083,020; in 1860, the children in average attendance were 262,823; in 1880, they were 468,557; and the Parliamentary grant, which in 1860 was 284,468*l.*, was, in 1880, 722,366*l.*

These figures exhibit the information obtained in 1861 as to 1860; and the information obtained in 1881 as to 1880. They need no comment; and are, in themselves, happily demonstrative of a great increase in the means of primary public instruction and the number of those availing themselves of it; notwithstanding that, in the meantime, there has been no corresponding advance in the amount of the population of Ireland. The apparatus of teaching has been ample and effective. The State has been very generous; and the classes for whose benefit it has lavished its subventions, have proved their appreciation of the benefit bestowed, by availing themselves of it, in ever increasing numbers.

As I have intimated, notwithstanding the efficiency of the system according to its principle, and the great prosperity it has achieved, it is capable of still further expansion, and still enlarged utility. There are questions—as to the training of teachers, the improvement of school attendance, and others—which press for immediate solution; but they may best be relegated to your special section of Education, which has the great advantage of the presidency of the eminent and accomplished Resident Commissioner, Sir Patrick Keenan.

Whilst primary instruction was thus spread broadcast

through the toiling millions, the education of the middle classes had fallen into a poor condition, as was clearly pointed out in the elaborate report of the Endowed Schools Commission of 1858. Those who could use the aid of the National schools employed it to admirable purpose and with conspicuous success. They did so by seeking the lower posts in the public service. But of higher places they had no chance, as there was scant provision for their further progress. At the taking of the Census in 1871, it appeared that there was of the Catholic population of Ireland 1 in 923 learning Latin, and of the Protestant population 1 in 259; whilst, of the Catholics, 1 in 1,209 was learning Greek, and of the Protestants, 1 in 398. The opportunities for intermediate education—between the Primary School and the University—were quite insufficient, and they were made so, very much, by the action of the National Board, which extinguished multitudes of schools affording to the general community the means of some classical and scientific instruction. Such schools were once common in Ireland; but when State education, good and cheap, or it might be, gratuitous, came into competition with them, they sunk and perished. The result was, as the Census Commissioners declared, that the intellect of the country was 'starved and dwarfed;' and we were threatened with a condition of things, full of inconvenience and fraught with danger, in which the poorer classes of the community might outrun the wealthier, and hold a lower social place whilst they could boast superiority in mental acquirement.

Happily, all this has been changed. In 1878, my noble and learned friend, Lord Cairns, in an admirable address to the House of Lords, introduced the Intermediate Education Bill for Ireland, which was carried through Parliament without opposition, and received in this country with enthusiastic thankfulness. I have never known a measure of any kind which attracted such unanimous approval from all classes and denominations of the Irish people.

And, in my judgment, it has been found most worthy of that approval. It has stirred the country with a new intellectual life; and, equally for the educators and the educated, it has supplied a wholesome incitement to intellectual effort. The standard of teaching has been raised. The emulation of the masters has given new activity and efficiency to the schools. Obsolete methods and obsolete works have been abandoned; and the struggle for pre-eminence has developed scholastic capacities and administrative powers, which no one imagined to exist among the teachers of Ireland.

How the novel system has roused the spirit of Irish boys and girls, and how their parents appreciate its advantages, is best proved by the number of those who have given notice of their purpose to be examined in 1879, 1880, and 1881 respectively. In 1879, such notice was given by 3,671 boys and 797 girls, in all 4,268 persons. In 1880, 4,493 boys and 1,477 girls, making in all 6,126, gave notice; whilst in the present year it has been given by 5,714 boys, and 2,033 girls, in all 7,747!

Are not these numbers of singular interest and significance? Do they not show that the eagerness for knowledge and the facility of acquiring it which, under the most adverse circumstances, have characterised the Irish people, through all chances and changes, still belong to them? So far, the result has not disappointed the expectation which was justified by their antecedents, and there is no reason to believe that they will not be able to utilise, in a higher sphere, the endowments which the Intermediate Education Act invites them to attain, as they have employed effectively those for which, in a lower, they have been indebted to the National Board.

The system is yet in its infancy; and the wonder seems to be, that it has grown to its great proportions with so much rapidity and so few miscarriages. The reports of its examiners present strong evidence of careful instruction and sound acquirement; and it is quite within the competence of the Commissioners, as it is their earnest wish, to make the mental work which they encourage and reward of solid and substantial value.

Thus, the primary and the intermediate education of Ireland were happily cared for. There remained a difficulty as to a National University. Our existing collegiate institutions were, in many respects, admirable. Trinity College and the Queen's Colleges possess Fellows and Professors of thorough competency for their duties, of consummate ability and great accomplishments, who would do honour to any seat of learning in the world. But, for reasons—the nature and validity of which it is not needful, in this place, to consider—the advantages offered by them to their students were not available to very many who desired the training of a University; and for a lengthened period, at least for the lifetime of a generation, effort after effort has been made to procure the means of satisfying the aspirations of persons so denied it, on conditions they might feel themselves conscientiously free to accept. Those efforts, unhappily, were without result, and a great public want remained to be supplied. At last, in the

establishment of the Royal University, that want has been practically acknowledged and dealt with by the Legislature. It is not yet in action, and of course it is too soon to forecast its future. The statute which gave it being has left its constitution to be shaped and fashioned by its senate, under the supervision of the Crown. But, for myself, I am full of hope that it will fulfil its own purpose, and bless Ireland with a completed system of satisfactory instruction. Its endowment is not large, but sufficient for a beginning; and, if it does its work faithfully and well, further provisions will not be withheld to aid in its expansion and increase its efficiency. It recognises the rights of conscience, and is free from offence to the keenest religious susceptibility. Its senate is representative in the truest sense; and the perfect harmony which has marked the deliberations of so many men of the most varied views—equally as to things sacred and secular—has been auspicious of good to its own prospects, and also to the country whose youth it is destined to guide not only to the sources of knowledge, but also, I devoutly hope, in the cultivation of mutual confidence and kindness.

It is formed very much on the plan of the London University; and there is no reason why it should not emulate the efficiency and the usefulness of that successful institution. I fully understand the grounds of the preference which many of us may entertain for collegiate and residential training. But all that is desirable cannot at once be achieved. Perhaps, the special purpose of Parliament in seeking to combine students of various creeds and classes, on terms safe equal and impartial for them all, could not, at least in the first instance, have been carried out so well in any other way; and, at all events, it behoves us to make the most of the opportunity which is given to us in the present, without abandoning the hope of better things hereafter.

Thus since the former meeting of the Congress, the great and saving work of National education, which then had been only begun, has been so far advanced that the way of progress, from the primary elements of knowledge to its largest and last development, has been opened to all the people. The humblest in rank may reach the highest place in intellectual, and so, in social station; and the country will find its best enrichment in utilising the mental power which has heretofore been unproductive. The boy who is distinguished in the country school will be encouraged to compete at the Intermediate Examinations. Obtaining his exhibition there, he may pass with honour to the University: and if the capacity be in him, he

will have the means of taking his place with the foremost of his age. For the first time, such chances are given to all the youth of Ireland. For the first time, we have assurance that their ability will have a fair and full career.

I shall not trouble you by any reference to questions which have been mooted as to the probable working of the Intermediate Board and the Royal University. The time is not ripe for the discussion of them; and it will be wise and becoming to await a little longer the teaching of experience.

But this audience, especially the fairer portion of it, will not blame me if I allude to and defend one especial characteristic of the higher education which those institutions offer to Ireland. Both of them afford the same opportunities of progress—the same incitements to mental culture, and the same rewards for intellectual merit—to women as to men. The prizes, the exhibitions, the degrees, which stimulate the Irish boy's ambition, are placed within the reach of the Irish girl; and she has already given abundant proof, as I have shown, of readiness to avail herself of the novel advantage.

I regard this great concession with unmixed pleasure and sanguine anticipation of its social usefulness. But I know that others take a different view, and carp at the change as a dangerous experiment. At all times, there have been many who have desired to keep woman in the position of a doll to be dandled, or a drudge to be worked, or a machine to be used for the profit or the pleasure of a master. We have been familiar with sneers at 'blue stockings,' and 'books in petticoats,' and with ungracious caricatures of learned ladies, as necessarily exhibiting offensive conceit or dogmatic coarseness. But 'the lions have been the painters;' and the pictures have been fashioned to please men, perhaps unwilling to be matched with their sisters or their wives in pursuits in which they have painfully suspected that they might not always hold a clear supremacy.

Need I argue in excuse of an educational equality as just and beneficial as it has been made inevitable by the course of human progress?

One of the highest achievements of Christianity, in the amelioration of the world, was accomplished by the elevation of woman from her debased condition. In its divine dispensation, she took her proper place, as a responsible and immortal being; and if the capacities bestowed upon her are to have full development, are we not bound to help it in the largest and most liberal way? I do not pause upon the idle controversy as to the comparative power of the male and female intellect. They

are very diverse in their qualities; each gifted with those which suit the sphere for its appointed exercise; each excellent in its own degree and kind; and neither to be ranked in disparaging contrast to the other. But of woman's understanding can the contemporaries of Maria Edgeworth and Elizabeth Browning and George Eliot and Mary Somerville be capable of doubting; or of its worthiness to be aided by the best appliances for its ripening growth and healthful activity, which are employed to inform and strengthen the intellect of man? She has to discharge the highest duties of humanity in her relations with her home! And will she discharge them less efficiently if a mind, well furnished and wisely disciplined, lifting her above the debilitating atmosphere of frivolity and folly, makes her a true helpmate to her husband, and fits her to form the character of her children,—putting far from them the temptations of indolence and vice, and equipping them, with high principle, pure morals, and sound culture, to bear themselves nobly in the world?

Her possession of abundant knowledge need not derogate, in the smallest measure, from the grace and tenderness which are the dearest characteristics of her sex; nor will her enlarged intelligence disqualify her for the wise and orderly government of a family. Some of us have seen with delight, and remember with enduring gratitude, the combination of sense and information, of clear judgment and firm will, with perfect gentleness and loving care for all about them, in wives and mothers worthy to be ranked with the 'valiant woman' of Holy Writ, the heart of whose husband trusted in her, and whose children arose and called her blessed; who opened her mouth with wisdom, and in her tongue was the law of kindness. Her kindness was not less kind because it was associated with her wisdom; and her husband did not cherish her with less attachment because that wisdom made her worthy of his trust.

Some seem to think that knowledge must unsex the woman and lead her to intrude on the proper business of man. But surely it is not so. Their provinces are separate. Nature has marked the line between them, and it should never be overpassed—*Non omnia possumus omnes!* There are avocations which physical and mental constitution and the necessity of things assign to each respectively, and the woman's influence is never so great and true as when she confines herself to those which properly belong to her. The offer to her of instruction in the whole range of science and letters, on a complete equality with man, does not involve or imply approval of the application of that instruction to any purposes which the conditions and ends of her existence should not permit her to pursue.

Fulfilling those conditions and aiming at those ends, she may have full occupation for all her powers without impairing the high instinct, the delicate susceptibilities, and the sacred affections which make her own happiness, and purify and bless her household. She may realise in her daily life the picture of Wordsworth, with which you are familiar—and all the more, the higher is her culture:—

> The reason firm, the temperate will,
> Endurance, foresight, strength, and skill!
> A perfect woman nobly planned
> To warn, to comfort, and command.
> And yet a spirit, still and bright,
> With something of an angel light.

In connection with the subject of Education, I ought to observe, that whilst Reformatories had been brought into operation in Ireland in 1858, we had no industrial schools in 1861, or for many years afterwards, although they had before been established in England and Scotland. In 1868, the Industrial Schools Act was introduced for Ireland by the O'Conor Don, and carried through Parliament, with considerable modifications. It has since been worked, under the able and humane superintendence of Sir John Lentaigne, with excellent effect. There were fifty-six schools in operation on December 31, 1880, and on that day there were in those schools,—Boys, 2,404; girls, 3,295; in all 5,699. There was an increase of 365 boys and 222 girls on the previous year.

Thousands of children have been thus saved from corruption and crime, and trained to become useful citizens. It was a strange anomaly, in 1861, that whilst the criminal child was cared for, fed, lodged and instructed, the homeless vagrant, who had done no wrong, was allowed to perish in ignorance and destitution. I cannot occupy time in describing the details of administration which has made the Irish Statute a real boon and blessing to the country. But I trust that those of my auditors who have not seen the school at Artane will pay it a visit. There is not in the empire an institution of the sort more admirably managed; and it will sufficiently indicate the methods which have been pursued in Ireland, and the advantages which have been secured for so many unfriended children.

The Irish Industrial Schools Act, although aiming at the same objects, and generally containing the same provisions, as that which was long before framed for England, is not, unfortunately, identical with it in some respects. Thus, whilst in England the guardians of the poor can transfer children to industrial schools, and provide for their maintenance, no such

power has been given to the Irish guardians. The result is disastrous here. The pauper child must continue in the demoralising atmosphere of the workhouse, until he becomes unfit for any of the proper uses of human life. He is in the hands of adult paupers, whose character and example offer no fit model for imitation. He does not receive the discipline or the teaching which might give him the hope of a prosperous manhood: and he is liable to that induration of the heart which has been observed to belong to young persons brought up as paupers 'whom nobody owns,' in gloomy isolation and untouched by the kindly affections of family life. Certainly there is no ground for this distinction between the Statutes in Great Britain and Ireland. Nor is there any for another, which casts on the managers of our industrial schools the burthen of purchasing land and erecting buildings without the relief which is afforded in Scotland and England by the authority intrusted to public bodies, for the erection and maintenance of such schools at the general expense. It seems strange, that the poorer country should bear the heavier burthen.

Nearly 200,000*l.* have been expended by Irish managers out of their own resources, or from the charitable contributions of the public, in procuring sites and completing houses, and the pressure upon them must have been very great.

I do not see any reason for maintaining a different rule in this regard in the two countries, and I trust that the distinction may be speedily done away.

I do not advert to the Irish convict system, which has had such excellent results, or to our Irish Reformatories, as both had existence before 1861; and do not, therefore, come within the plan of my address. I spoke of them largely at our last Congress; and I shall only call attention to a new experiment in connection with them, which is now in progress.

In the year 1880, 84 boys and 12 girls, under twelve years of age, were committed to Reformatory schools in Ireland, after having been imprisoned in gaols for fourteen days and upwards. The effect of such imprisonment on children so young has been found to be contaminating and injurious; and, for the purpose of preventing this ill result, a probationary industrial school has been certified by the Chief Secretary, at Kilmore, in the county of Dublin, for juvenile offenders under twelve years of age, who will be transferred, on reaching that age, to industrial schools, or may, after eighteen months, be placed in the homes of their relatives, if willing and qualified to receive them with advantage.

I have never been able to appreciate or approve the reasons

for the rule which interposes the prison, with all its evil influences, between the Court of Justice and the Reformatory School. I am very glad that the experiment I have described has been undertaken; and I trust that it may issue in a larger change of reformatory discipline. I mention it here, though somewhat out of place, because I believe it will be of interest to many who have laboured for the redemption of criminal children; and that it is of importance as testing the value of the questionable practice to which I have referred.

Another great improvement, accomplished since 1861, was in some sense attributable to the Congress of that year. All that I have said and much more, as to the mischief of residence in workhouses, was urged at its meetings, in favour of boarding-out orphan and deserted children, who were then pining in those establishments, maintained and educated there, and without provision for any other dwelling. For a quarter of a century, after the enactment of the Irish Poor Law, they had so remained; undergoing, in many places, a miserable process of moral and physical deterioration—often exposed to the pollution of vice—and always liable, as I have said, to be made hard and selfish from the want of any natural culture of the affections. They dragged through their young lives without hope or comfort, and left their prison houses, in too many cases, only to become absorbed amongst the most incorrigible of the criminal classes.

Earnest appeals were made at your Congress against this state of things. Excursions were planned to visit the homes of children boarded out in the county of Dublin, and their better and happier state attracted great attention. In the result, the Boarding-out Act of 1862 was passed, not without difficulty; and although the limitation to the age of thirteen, and the restrictions enforced on our guardians of the poor, which are more stringent than those of the English Poor Law, lessen its advantages, it has conferred enormous benefits on many thousand little ones, who enjoy health and happiness in the open country, are trained to honest toil, and ultimately take their proper places as useful members of a community, to which, if they had not been rescued from the workhouse, they would have proved a burthen and a curse.

I pass on to tell you what has been done, since 1861, in a department, not less important than any other within the range of your inquiries—the department of Public Health. In that year, Ireland had, as its chief sanitary authorities, expiring Parish vestries, clothed with antiquated powers, which had been vested in them so far back as the year 1818. There were some

other bodies acting for similar purposes, under statutes which had once had equal application to England and Ireland, but had continued in action here after they were repealed in England. Five years after the meeting of the Congress, in 1866, the vestries were finally abolished, and the guardians of the poor were entrusted with sanitary powers identical with those existing in England and Wales. The change was great and wholesome: and was pushed to better issues when the Local Government Board was created in 1872. It was armed with large authority, and acted with energy and success.

An Act of 1874 developed the sanitary system and brought it into full operation throughout the country.

Under that Act, the whole of Ireland was divided into Sanitary Districts, called Urban Sanitary Districts and Rural Sanitary Districts. The Urban Districts consist of towns having a population exceeding 6,000. The governing body of the town is made the sanitary authority. The Rural Districts consist of the Poor Law Unions, and the Board of Guardians are the sanitary authorities. There are now 56 Urban Sanitary Districts, and 163 Rural Sanitary Districts; and, in each of those districts, a complete sanitary staff has been organised under the orders of the Local Government Board. The medical officer of the Dispensary District is, in all cases, the sanitary officer or medical officer of health. The principal duty of the sanitary authorities and their officers consists in the inspection of their districts, and in taking all necessary steps to compel the removal or abatement of nuisances, provide a proper supply of water, and construct, or cause to be constructed, where it may be necessary, proper sewers and drains.

The Public Health Act of 1878 repealed all previous Sanitary Acts, re-enacting, amending and consolidating their provisions, so as to comprise in one statute the entire Sanitary Law as it at present exists in Ireland.

The principal subjects dealt with in the Act are:—Sewerage and drainage, scavenging and cleansing, water supply, abatement and removal of nuisances, lodging-houses, markets and slaughter-houses, infectious diseases.

So that the scope of the statute is comprehensive, as the machinery for effectuating its beneficial purposes is complete. I rejoice to say, that its worth has been widely recognised. The increasing activity of the local authorities is demonstrated in the most conclusive way, by the amount of their expenditure for the last six years, as it appears in the audited accounts of the Board. I shall give you the figures, and you will judge how satisfactory they are.

Year	Expenditure by Rural Sanitary Authority	Expenditure by Urban Sanitary Authority	Total
	£	£	£
1875	32,934	25,933	58,867
1876	39,676	28,567	68,243
1877	44,870	29,185	74,055
1878	48,157	37,601	85,758
1879	50,767	30,312	81,079
1880	51,927	Not yet known	—

But even more striking than this evidence of effort and progress is that which is afforded by the amount of the loans obtained from the Board of Works, in those successive years, on the recommendation of the Local Government Board, 'for objects,' in the words of the Public Health Act, 'which may be deemed sanitary improvements.'

	£		£
1875–76 . .	37,584	1878–79 . .	124,454
1876–77 . .	41,085	1879–80 . .	265,179
1877–78 . .	62,056	1880–81 . .	199,252

It is not easy to over-estimate the importance to Ireland of the sanitary work which is thus proved to have been done. It has been of double advantage, by relieving the poor at seasons of sore distress, and securing the permanent improvement of the health of the community.

Again, I think I may confidently say, that, in a department so deeply affecting the comfort and the happiness of a people, Ireland need not be ashamed of the progress she is making and has made.

And for her, that progress is especially important. Health and social morals run closely together. Cleanliness and godliness are in alliance; and wholesome and commodious dwellings are important instruments of civilisation. The squalidness of his home drives the artisan for light and solace to the public-house. The mud cabin, with its single room and crowded foulness, is not very compatible with the formation of habits of ordered industry; and, save in a country still marvellously pure, its inmates would be subjected to many dangers. It is of great consequence, for reasons like these, which might be largely multiplied, that our sanitary work should extend not merely to lodging-houses, but, as far as may be, to the dwellings, generally, of the humbler classes; and that the English effort in that direction, which has been so happily

prosecuted under the benevolent guidance of Lord Shaftesbury, should have wide and cordial imitation here.

I do not desire to take credit to your Association which it may not fairly claim; but you will permit me to mention, in illustration of the topic I have last considered, a not unpleasant reminiscence of 1861, of which record is made in the biography of one of our philanthropic citizens. In the autumn of that year, Mr. Senior and Mr. James Haughton resolved to give some practical application to wise suggestions which had been made as to the utility of ornamental gardening in public parks such as beautifies those of London, at the expense of the Imperial taxes. They prepared a memorial to the executive. It was received with favour; and the People's Garden rose into existence—at once a boon to multitudes who enjoy its beauty, and a worthy monument to the genial and accomplished Viceroy—a true lover of the country he delighted to make his home,—whose graceful statue continues to adorn it.

And, touching thus on a local theme in connection with Public Health, I may be permitted also to allude to the great undertaking by which, to the lasting honour of the man who conceived it and completed it, in spite of misconception and resistance, this city receives an abundant supply of pure water, secured by a vast but most profitable expenditure, which amounts, I am informed, up to the present time, to 530,000*l.* Nor should I forget to mention, in the same connection, the gratitude which is due to a munificent nobleman who has lavishly employed his fortune in making one of the finest squares in Europe a place of joyous resort to his fellow citizens.

I can only make the briefest allusion to a measure most worthy of attention in the Department to which I am referring —the Irish Sunday Closing Act. It was hotly contested and violently denounced; but it has succeeded beyond expectation: and its moralising influence in removing, even partially, the withering curse of national intemperance, has made it a practical reform of a high order. I cannot dwell on the mode of its operation; but the results are indicated in the most conclusive way by the unanswerable evidence of our criminal statistics. In 1878, when it was in action for a few months, the number of punishable cases of drunkenness was reduced by 3,000 as compared with the year 1877. In 1879, when it was in full force, the reduction was 11,000, and last year it was 22,000; the number of offences, which, in 1877, was 110,000 having fallen to 88,048. It is not wonderful, that success so signal, proved by these figures and in many other ways, should already have induced wise and good men to imitate the example of Ireland

in other districts of the Empire, with the sanction and by the authority of the legislature. And does it not give us fair ground for hope, that the undoubted and most salutary improvement in the drinking customs of the wealthier classes may be gradually extended to the multitudes beneath them; and that we may be emancipated, more and more, from the cruel dominion of a vice which is to us the perennial source of crime and misery, and degrades these kingdoms in the estimation of the world?

It would be impossible for me, after such a merciless exhaustion of your patience, by the presentment of so many subjects within the limits of a single address, to dwell upon the topics in connection with Irish progress which would properly range themselves within your departments of Economy and Art. They press for attention which I cannot give to them. But, touching only the *summa fastigia rerum*, I would not leave imperfect my inadequate enumeration of things accomplished within twenty years by omitting mention of the most memorable of them;—the Act which recognised the principle of religious equality, and the Land Reforms of 1870 and 1881,—transcending, for the Irish people, in the greatness of their conception and the magnitude of their results, any legislative measures of the century.

They need no further reference; but the Congress may recognise, as a matter of special and present interest, that a movement has begun for the promotion of Irish manufactures. This was essential to us. Exclusive reliance on their agricultural resources by the vast majority of our people has been the cause of stagnation in their national life, and continually recurring penury and suffering. The composite blood of mixed races tends to their mental and physical supremacy; and mixed industries are needful to a community which aims to be prosperous, especially if they are at the mercy of an uncertain climate. Ireland needs manufacturing success to save her from the calamities entailed by varying seasons, and secure her proper station in the world. She has ample capacity to attain it; and only needs the will and a knowledge of the way. It is, therefore, in the last degree satisfactory to find that all her classes, of all religious and political denominations, are emulating each other in a great endeavour to supply this cardinal necessity. We must wish it God speed! But whilst we do so, and help it as we can, we should remember that similar attempts have been made in other times and issued in disappointing and disastrous failure. And we should learn from the sad experience to avoid the errors which have baffled

hope and effort like our own. Much patience and perseverance are needed to build up the broken fortunes of a nation. Enthusiasm exhausts itself. The violation of economic laws—as fixed in their operation as those of the material world, although their application must vary in varying circumstances—is surely followed by discomfiture. And if we would succeed in this needful undertaking, we must not forget that, in the long run, the best article will command the highest price; and that to hold our ground, in the open competition which tests conflicting powers, we must apply ourselves to the industries specially suited to Ireland, and likely to be most profitable here; and become possessed of industrial habits and industrial aptitudes fitting us to meet our neighbours in an honourable rivalry, in which for them, as for us, there will be 'a fair field and no favour.' The value of organisation is great. The ardour of preparation is encouraging. Exhibitions and councils and committees and subscription lists are of value as they fix attention on the ample and undeveloped resources of the island; awaken to honest effort, and confirm well-founded expectation; inspire us with self-reliance and self-respect, and so lead on to the promotion of a sound industrial system, approving itself to mankind by the worth of its productions. If this be achieved, we shall redeem the failures of the past; if it be not, we shall only repeat them. But we need not fail. In far worse times, our forefathers were proving their fitness for industrial eminence, when an unworthy intolerance of their prosperity struck it down beneath the weight of imperial power. It has never fully rallied. But the hour has come for its revival. The blow which destroyed it cannot be repeated. In happier circumstances, it will have free scope for the largest expansion, and if it do not flourish the blame will be our own.

> The fault, dear Brutus, is not in our stars,
> But in ourselves, that we are underlings!

Only a word as to our relation with the Department you have lately added to your programme. The conditions of life in Ireland have not been, for many a century, consistent with the successful culture of the Fine Arts. They could not flourish in times, too much prolonged, of turmoil and misery and social chaos. We boast an ancient civilisation, which distinguished our island when darkness brooded on the world—connecting the learning of famous seminaries, to which multitudes flocked from other nations—*amandati in Hiberniam ad disciplinas*—with excellence in Art, still evidenced by the venerable ruins of our churches, and by remnants of rare work-

manship in the precious metals and the sculptured crosses and rich illuminations of early Christian times, which have survived ages of strife and suffering, and are still to be inspected in our Irish Academy and Trinity College. We are proud of their attestation to the old endowments of a country which, in later days, has vindicated its claim to artistic eminence by the great works of Barry, and Maclise, and Hogan, and Foley, and others who are gone; and of living men who inherit their genius and will emulate their fame.

We have been placed at a serious disadvantage. The poverty of Ireland has not permitted a large patronage of Art, and those who have been distinguished in any of its branches have found irresistible attraction and abundant reward in the English metropolis. But I am glad to be able to say that here, also, we have been making substantial advances. We have never, in later days, had such appliances and helps for the rising artist as we now possess.

Our National Gallery, under wise and conscientious supervision, continually undergoing fresh development, need not shrink from comparison with similar institutions of the Continent. Its contents are very choice in their character, and very comprehensive in the range of their subjects. A Science and Art Museum has been established with every prospect of giving, in a short time, effective encouragement to art-studies as applied to manufactures. Our Hibernian Academy was never so prosperous and so well endowed. Its visitors are increasing annually by many thousands, and, notwithstanding the hardness of the times, the purchasers of pictures become year by year more numerous and far more liberal in their expenditure. I allude to those things, only that I may not omit all reference to our successful action in connection with one of the most interesting of your Departments: but I do not desire to intrude on the province of my noble friend, who will preside in it, and more fittingly explain the nature and extent of the improvements to which I have lightly pointed.

I have completed the task I proposed to myself, in a manner inevitably perfunctory and imperfect. I could not recount transactions ranging through twenty years, in the time prescribed to me, and hope to do so with any completeness. But I shall be content, and you will pardon my many shortcomings, if I have indicated to you the results of honest effort by Irishmen of this generation, in obtaining for their country amended laws—cheap and facile justice—education, liberal unconditioned and available to all—the enforcement of the crowning virtue of a Christian civilisation by sheltering the friendless child and

watching over the unhappy lunatic—free and equal exercise of the rights of conscience—increased provision for the national health and comfort—and security in his possessions and encouragement to his industry for the tiller of the soil. In the midst of many troubles and much discouragement, these have been steps of real and cheering progress: —improvements permanently conquered from the past, and auspicious, as they will be fruitful, of a happier future. They all belong to the great field of social reform which you desire to cultivate; and I am sure you will appreciate them, and find in them cause for pleasure and hopefulness in the prosecution of your labours. To those labours I leave you, thanking you for your patient kindness, and again bidding you a cordial welcome to the Capital of Ireland.

Address

ON

JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

BY THE

RIGHT HON. J. T. BALL, LL.D., D.C.L.

IN the Department over which I have the honour to preside are discussed the subjects of Jurisprudence and Amendment of the Law. If by the term 'Jurisprudence' be meant what I find attributed in one of the definitions given of it, 'the science of what is just and unjust, or of the laws, rights, customs, statutes, necessary for the doing of justice,' it must be admitted that the field of our inquiry is of an extent limited only by that of the relations which human beings are capable of forming. Under this comprehensive expression would be included the consideration of these relations, not only as they ought to affect the conduct of men individually towards each other, but also the rules governing them in a corporate or national capacity during their mutual dealings and intercourse.

Extensive, however, as is the range of inquiry, and multiplied as are the objects of investigation in this science, we shall find all pervaded by certain general principles, having their origin in the dictates of our moral nature, and common to all times and countries. Often much obscured, often modified, until we scarcely recognise them, still through every variety of the social system a patient investigation will discover their presence. To borrow the striking illustration with which Lord Bacon has so admirably illustrated this truth—all civil laws are derived but as streams from certain fountains of Justice which exist in nature, and like as waters do take tinctures and tastes from the soils through which they run—so do civil laws vary according to the regions and governments

where they are planted, though they proceed from the same sources.

I merely allude to this subject, for to pursue it, or present any critical analysis of the abstract theories which jurists have connected therewith, would lead too far. Such inquiries are more suited for the learned leisure of Universities and Colleges, than for assemblies like the present, drawn from the occupations of active life. And fortunately they are not needed in order to solve the practical questions more immediately incumbent. Not that in dealing with these, reference can be avoided to the principles which ought to guide, or that it is not in agreement with them must be found the test to which legislation is to be submitted; but that, founded in our nature, they present themselves and assert their own authority, independent of any process of reasoning, and superior to it. The family, the commonwealth, the great society of mankind, rest upon the same obligation to what is just, and are affected by the same natural desire to advance the general welfare; and a policy which disregards or departs from these influences is not merely unsound, but to use an expression of our great countryman Edmund Burke, lies under the suspicion of being no policy at all.

We may therefore more profitably occupy the time at our disposal by passing from abstract principles, respecting which such a general agreement may be assumed as will enable reference to them when discussing measures of a practical character, and proceed to the second branch of the subjects allotted us—namely, the amendment of our positive law. And, approaching this subject, we may with gratification observe that since the first foundation of this Society most of the important changes introduced by Parliament into our laws and social system were previously debated at its annual meetings; important statistical information connected with them supplied by its researches, and the arguments for and against them marshalled with skill and judgment. And if this has been the case in the past, how much more likely is it to occur in the future? Formerly questions of this kind were made known to public notice, and specific propositions for alteration of the laws advocated through the medium of Parliamentary debates initiated by private members. It was thus that reforms in Criminal and Real Property Law were originally introduced, and for successive years discussed. But now the extraordinary demands upon the time of the House of Commons, owing to its much increased business, and a more protracted and prolix mode of transacting it, have rendered it exceedingly difficult,

if not wholly impracticable, for private Members to bring forward measures not adopted by the Government, or when they do, to obtain for them the attention of an assembly which, even without them, has been already over-worked and wearied. No more effectual substitute for the opportunities thus lost seems open than discussion in societies like the present, where expression may, with perfect freedom, be given to every variety of opinion.

These remarks properly lead to the business which has been specially allotted for this department in the programme issued by the Committee of Management. By them it has been subdivided into two sections—one designated International and Municipal Law, the other Repression of Crime. As there is a separate Chairman for the second Section, I am more particularly connected with the first, and shall therefore direct your attention to the subjects prescribed for its consideration, and more particularly to certain special questions which have been set down for discussion; proposing, however, only to make some brief observations preliminary to the more ample treatment they may be expected to receive from the members who have undertaken to bring them forward.

These special questions I shall now read:—

1. Is it desirable that there should be Periodical Meetings of Representatives of various States, to which all disputed Internal Questions should be referred?

2. Should the Procedure on Private Bill Legislation in reference to Local Improvements be amended so as to facilitate inquiries on the spot by Parliamentary Committees or otherwise?

3. Are any, and what, Alterations in the Jury Laws desirable?

Of late years, the proposition involved in the first question has attracted much attention; but it is itself of by no means recent origin. In the celebrated treatise of Grotius, which first reduced the law of nations to a system, it may be found. 'It would be useful,' says this great master of the science of international law, 'and indeed it would be almost necessary, that certain congresses of Christian powers should be held, in which controversies that arise among some of them may be decided by others who are not interested; and in which measures may be taken to compel the parties to accept peace on equitable terms.' When we are asked if such Congresses are desirable, I own that I am unable to see the propriety of any answer other than an affirmative. War must be admitted to be an evil which brings so many calamities in its train, that

every means consistent with what is right and just should be tried to avert it. *Nullum bellum justum nisi necessarium,* is the voice of reason and philosophy; and it can scarcely be doubted that if the frivolous or inadequate grounds—often mere pretexts—upon which, in a very large number of instances, hostilities have arisen between nations had been submitted to arbitration, they must have been overruled. The proposal is more likely to be objected to upon the ground that there is little probability of its being carried into effect; and no doubt the experience of the past is not encouraging either as to this or other suggestions made for the preservation of international peace. Without travelling beyond the records of the last thirty years, we shall, upon examining the causes of the wars that during this period have been waged, even in the most civilised portions of the globe, find reason to lament the little progress which correct opinions in respect of the duties of nations towards each other have made. But nowhere, more than in what relates to the social system of the world, are we bound to abstain from auguries of ill; since prophecies of this character, inducing general apathy, tend to fulfil themselves. It is possible to mitigate what cannot be overcome. The problem may not be solved; but every approximation to its solution is a distinct and solid gain. There are, too, of late, indications that the time is not unfavourable for such exertions. Most of the Universities, whether European or American, have for some time introduced into their course of study International Law. The wise and just principles which this science inculcates must thus gradually come to be diffused through the classes who receive their education in these institutions, and so ultimately affect the conduct of the respective governments which represent them. Nor do I know that a Society like the present can be employed with greater advantage to the public interest than in aiding by its discussions the still wider dissemination of these principles; in this manner contributing to form that enlightened public opinion, upon which, more than any other means, we may rely to render hostilities between nations more rare, more brief, and, if unhappily not to be avoided, attended with very diminished suffering.

The second question for debate concerns, in a particular degree, this country. Distance from the place where Parliament holds its inquiries necessarily increases the attendant expenses. In the able pamphlet of Mr. Bagot (Secretary of the Chamber of Commerce in Dublin) upon Private Bill Legislation, instances are given of quite unreasonably large

sums obliged to be expended in order to pass Irish Private Bills. It is not probable that Parliament would altogether surrender its control over the legislation affecting such important and extensive interest as in many instances form the subject of Private Bills; and if it were willing to do so, the expediency of such a measure may well be doubted, when we reflect upon the influences which might sway merely local authorities. It is not only possible, but it has actually occurred, that the work contemplated may affect national interests, and involve imperial considerations, and so deserve no less a tribunal for determining the questions arising than the supreme legislative authority. But the preservation of control is consistent with much improvement in the system, with aiding, not removing, the superintendence of Parliament. A private bill affecting a compromise of individual rights is referred to the judges; in some similar way other references might be made to authorities that would form appropriate assistants. To use the words of Mr. Mill, 'the authority which is most conversant with principles should be supreme over principles, while that which is most competent in details should have the details left to it.' How this—the union of central control with local inquiry—may best be effected, is the problem which will have to be solved in your discussions. Probably, when the matter is minutely examined, there will be found a range of subjects, of less magnitude than those I have alluded to, over which central control is not so much needed, and as to which Parliament might safely delegate jurisdiction. An opinion to this effect has been expressed by the present Speaker in the House of Commons, in a speech made this year at a dinner of the Chairman of the Metropolitan Board of Works. When speaking of the overwork of the House of Commons, he observed, that some relief might be afforded by handing over to local authorities a portion of the business, which might be better discharged by them than by the Imperial Parliament.

The third subject now proposed for discussion is the Jury System. Trial by jury at present exists in England, Ireland, and Scotland. The qualifications of jurors differ in the three countries; so also do the regulations under which the jurors are called for any particular trial. In the three, certain civil, and all criminal cases not disposed of summarily, are heard before the judge and jury. In England and Ireland, in order to a verdict, there must be unanimity of opinion among the jury; if there be disagreement, the trial becomes abortive. In Scotland unanimity is not required; it is sufficient if, after a prescribed period of deliberation, a certain proportion concur.

In England and Ireland the verdict must be either 'guilty' or 'not guilty'; in Scotland, it must be 'guilty' or 'not guilty,' or 'not proven.' A prisoner after the verdict cannot be a second time tried for the same offence. In France criminals are tried before juries. A singular provision of the French law upon this subject is mentioned by Mr. Grote in his 'History of Greece.' According to him, if seven jurors are for conviction and five for acquittal, the votes of the judges are counted in, thus practically casting on them the ultimate decision.

The questions which arise in connection with the jury system as existing in England and Ireland seem to be principally in reference to the qualification of jurors, and the obligation of unanimity in order to a verdict. How far beyond the effect of a fixed qualification in limiting the number and securing the requisite fitness for discharge of their duty selection may be applied; and whether in criminal cases there should not be some mode of correcting erroneous conclusions of the jury, as in civil there is, from the power vested in the Court of directing new trials, are also matters respecting which difference of opinion prevails amongst jurists.

With respect to the qualification, it may without much difficulty be laid down that it should be such as shall tend to secure (for absolute security is not attainable) that the education of those impanelled to decide upon the facts and inferences to be submitted shall be sufficient to enable them adequately to understand and appreciate the evidence and the questions arising upon it. The mode in which, under existing laws, this is sought to be effected is by requiring the juror to possess a certain amount of property, and by dividing the panel into two classes, known as petty and special jurors—the former for hearing the more simple and unimportant, and the latter the larger and more complicated cases. Unless the State were to institute an educational test, such as passing the examination of some prescribed institution, a pecuniary qualification seems as well fitted to accomplish the object as any other.

With respect to unanimity, there can be no question that it enforces careful examination and sifting of the evidence, and tends to give weight to the decision, and to produce acquiescence in it. If disagreement is revealed, the defeated party may be expected to cite the favourable suffrages of the minority, and to insist that their authority is equal to that of the majority; while the external public, ignorant of the grounds upon which the respective parties have formed their different opinions, will most probably consider that the result is due to accident as much as to reflection, and regard the

whole proceeding as infected with doubt and uncertainty. In criminal cases the disclosure of the disagreement would place the members favourable to conviction in an invidious position; and this would particularly apply to trials of political offences. It would also, in the instances where the result was conviction, embarrass the judge when awarding punishment, and the Executive Government afterwards in resisting applications for its remission. These considerations seem decisive, if not in favour of absolute unanimity, certainly of requiring a considerable preponderance in order to authorise a verdict to be received, so that the decision would have to encounter the dissent of merely a trifling minority.

The propositions for impanelling a jury by selection, and subjecting the verdict in criminal cases to review by a judicial tribunal, have their origin in the general experience that during periods of popular excitement, and in localities where violent prepossessions operate extensively, juries cannot be depended upon to act independently of the prevailing influences. I know not that a better instance of this can be given than the verdicts which, under the delusion of the Popish plot, were returned upon the evidence of such witnesses as Titus Oates and his accomplices. Whether any of the alterations suggested in the jury system, or the machinery by which it is worked, would obviate the evil complained of, it is for you in your debates, rather than for me in these preliminary and necessarily incomplete observations, to inquire. I may, however, observe that exceptional periods can scarcely be adequately dealt with by previous legislation. It is impossible to foresee what circumstances may in the future exist. Forces entirely out of present calculation may disturb the social system. They may even be of such a character that the community has no resource, except in a temporary suspension of privileges which, abused in their exercise, cannot otherwise ultimately be preserved.

I have now referred to the topics set down upon our Paper. Recent legislation may well suggest allusion to some others. There can be no doubt that in connection with land, and the tenure of land in Ireland, new interests have been created. The occupying tenantry have been secured in their farms on favourable terms, and are to be assisted in purchasing them. When the provisions of the measures which have accomplished these social changes come to be known, it may not unreasonably be expected that effect will readily be given to them. So far as they facilitate the elevation of the tenant to the condition of a proprietor, approval seems general; and justly, for in this

way a very increased number must become interested to support the institutions which protect property. I, however, desire to point out some other consequences. It may be expected that the interests thus acquired will become the subject of frequent dealings in the way of loans, sales, and testamentary dispositions. In order to facilitate these dealings, and lessen the expense of administering estates of limited value, an equity jurisdiction has, by a most useful measure, been conferred upon the Irish County Courts, with an easy and cheap appeal to the Lord Chancellor. Statutes have also been passed which tend to simplify the acquisition and confirmation of title. Still, in transactions of small amount, the cost connected with conveyancing press with disproportionate severity. In the case of loans this is particularly objectionable. Various suggestions have been made, and particularly in some Papers read before the Dublin Statistical Society, with a view to introduce greater facility of transfer and incumbrance. Without now entering upon the questions which have been thus raised and which probably can be better and more satisfactorily answered when there has been experience of the working of the new legislation, and of the tribunals constituted under its provisions, I would desire to commend the consideration of the subject to this Society, in the hope that, if not now, it may at some future meeting be fully discussed.

Not detaining you longer from the business to be transacted, I would, in conclusion, remind you, that the gradual and progressive growth and expansion of political institutions are to be expected; that besides this cause of alteration in their frame, variation in the tone of opinion among the classes influencing the course of legislation is necessarily continually occurring. Laws, then, which are but the representatives of institutions and opinions, must also be subject to change; safe, only when it neither outruns nor falls short of the exigency of the period; imitating, according to the prescription of Bacon, the example of the chief innovator, Time, 'which innovateth greatly, but quietly, and by degrees scarce to be perceived.'

Address

ON

EDUCATION.

BY

SIR PATRICK J. KEENAN, K.C.M.G., C.B.

TO this section of the Association, especially to those members of it who have done us the honour to cross the Channel to participate in our deliberations, it may not be unwelcome that in the address which, through the favour of the Council, it is my privilege to deliver to-day, I should largely direct my remarks to an elucidation of Irish Popular Education.

In the absence of manufactures, Ireland has mainly the soil of its fields and the brains of its people to rely upon; I feel, therefore, that I am justified in bespeaking a patient consideration for my own humble efforts, and for all that may be advanced and discussed on the subject of education in our sectional meetings. It will be homage to Ireland to speak freely on the subject. It will be an inestimable gift to Ireland if our deliberations either establish a principle or develop a theory by which the educational systems of the country can be improved.

But, whilst I thus propose to myself the subject of Irish Popular Education, I must not forget that it would be impossible to circumscribe such a subject as Education within mere local bounds. Indeed, I shall not hesitate to turn freely for contrast and illustration to the fruits of the educational activity of other countries, which, at very early periods, when our forefathers were slumbering or pursuing unhappy courses and faulty schemes, recognised the principle that the tranquillity, the prosperity, and the true happiness of communities depended, in an almost immeasurable degree, upon the sufficiency and the influences of the education secured for the people.

Not to speak of the treasures in Irish art, architecture, and music, possessed by the antiquary, or even of the great code of ancient Irish law now in the hands of the black-letter student, all of which are evidences of a high order of civilisation, and cannot be dissociated from an undoubtedly high order of

education, we have the testimony of chroniclers of acknowledged authority that, especially from the eighth to the thirteenth century, the schools of Ireland enjoyed a European reputation as 'The Nurseries of the Sciences,' and were the resort of students—in thousands at a time—from England and Scotland, and from foreign lands. Traditionally, therefore, the Irish race can point to antecedents and sympathies calculated to fit them for a great national system of education. But in what fashion did systems of education come to them?

To resolve this question, I have set before my mind, for elucidation, three periods in the history of Irish popular education. The first period runs from 1537, in the time of Henry VIII., to 1811, in the time of George III.; the second has a span of only twenty years, bringing us down to 1831; and the third embraces the half century which has elapsed since 1831.

I start in my retrospect with the year 1537; because, in that year, a measure of the Irish Parliament which bears the semblance of a scheme of public education, the first ever enacted for Ireland, became the law. It was entitled 'An Act for the English Order, Habit, and Language.' In the preamble, it is stated that the object of the Act is:—

'That the said English tongue, habit, and order may be from henceforth continually (and without ceasing or returning at any time to Irish habit or language) used by all men,' &c., &c. And then it is added:—

'His Majesty doth hereby intimate unto all his said subjects of this land of all degrees, that whosoever shall, for any respect, at any time, decline from the order and purpose of this law, touching the increase of the English tongue, habit, and order, or shall suffer any within his family or rule to use the Irish habit, or not to use themselves to the English tongue, His Majesty will repute them in his most noble heart as persons that esteem not his most dread laws and commandments.'

Amongst the means laid down to carry out the object of the Act, it was provided by the ninth clause that the Archbishop or Bishop should administer an oath to every person taking Holy Orders, binding him to keep or cause to be kept a school in his parish for the teaching of the English language. The penalties for an infraction of the law were pecuniary for the first and second offences, and forfeiture of the clergyman's benefice for a third offence.

The compulsory propagation of the new language, under circumstances of suspicion on religious and national grounds, not only evoked resentment to the scheme, but disturbed the instincts of the people in favour of education. The shock was

tremendous. From that moment, and for three centuries afterwards, every form of public education was mistrusted. The Act of 1537 was more than a disaster in policy—it was a blunder in education. The idea of forcing a strange language upon a whole people, just as any routine police ordinance might be enforced, without a patient, kindly, and skilful training up to the change, is, I venture to say, so unnatural an application of political power that it cannot be characterised as anything short of barbarous. Language is part of the spiritual as well as of the social nature of man. It is a divine gift. To order a whole country, at the word of command, to change its language, is tantamount to an attempt at striking a nation suddenly dumb. The command may be given, but it cannot be instantly obeyed. At the best, when accomplished by violent means, the change takes generations to bring it about. But as, in the economy of colonisations and governments, a change of language is often—commercially, socially, and politically—an object of paramount importance, it ought to be the aim of the educationist to bring it about by rational means. The vernacular, instead of being stigmatised, ought to be cultivated, and the language which is to supersede it should be taught through its medium. I know an important dependency of the Crown where, at the present time, this natural course is proceeding. The language which is to give place to the English has had, for nearly a thousand years, a hold on the people of the Colony to which I refer. But, notwithstanding the antiquity of the vernacular, it has been ascertained to be absolutely the interest of the people themselves, and of the Government, that it should be superseded by the English language. When, accordingly, English will prevail, as it is sure to do in a short generation, no line of embitterment will spoil the page of history that chronicles the story of the change. In the meantime, the school-work of the children is uninterrupted. Their vernacular, to be sure, still commands their thoughts; but its translation, under skilful direction, into English, and its alternate use with the English in conversation, in class, and in play, are, of themselves, I need scarcely observe, a valuable contribution to their education. On the other hand, there is nothing more depressing or painful than to witness, as I have frequently done at home and abroad, the impotent efforts of a master who is himself utterly ignorant of the vernacular of his pupils, to teach them English. In Ireland, from the time of Henry VIII. down to an advanced period in the reign of George III., the great anxiety of the Government was to import English schoolmasters who would be above even the *suspicion* of knowing a

word of Irish. Goldsmith very probably had in his mind the helplessness and fruitlessness of the English teachers of the Irish parish schools in his account of the expedition of the Vicar of Wakefield's son to Holland to teach the Dutchmen English:—

'I found myself,' he said, 'as fallen from the skies, a stranger in one of the principal streets of Amsterdam. In this situation, I was unwilling to let any time pass unemployed in teaching. I addressed myself, therefore, to two or three of those I met, whose appearance seemed most promising; but it was impossible to make ourselves mutually understood. It was not till this very moment I recollected, that in order to teach the Dutchmen English, it was necessary that they should first teach me Dutch. How I came to overlook so obvious an objection, is to me amazing; but certain it is, I overlooked it.'

The question of how to bring about a change of language is, unfortunately, rarely submitted to the consideration of educationists. It is, however, clearly their province to step in and warn those who, on grounds of policy or utilitarianism, are interested in the suppression of a language, that there are right ways and wrong ways of effecting their purpose. It is of some practical importance, even still, to give to this subject the study which it deserves; for, not to speak of India, where the question is likely some day to assume formidable proportions, or of our Colonies, where it is constantly cropping up as a *crux* to their administrators, it behoves us to note that, at this very time, there are spoken near our own doors in the British Isles, to an extent sufficiently large to command our serious attention, four Celtic languages—the Irish Gaelic, the Scotch Gaelic, the Welsh, and the Manx. In the able and very exhaustive paper which he read before the London Statistical Society in April, 1879, Mr. Ravenstein estimates the number of Gaelic speaking Celts throughout the British Islands, as follows:—

Irish	867,574
Scotch	309,254
Welsh	996,530
Manx	12,535
Total	2,185,893

And, again, of this total he gives the following estimate of the number who cannot speak English:—

Irish	103,562
Scotch	48,873
Welsh	304,110
Manx	190
Total	456,735

The Act of Heny VIII. rose in the education horizon as a star of ill-omen, and hovered about the sky for between two and three centuries, blighting the natural instincts of the people for education. Unfortunately, it possessed powers of baneful fructification. Measure after measure was devised, each characterised by some attribute rendering it obnoxious to the people. I pass over the Diocesan Free schools of the 12th of Elizabeth, which were instituted in 1570, upon an essentially Protestant basis, and also over the foundation of the Royal Free schools in 1608, as well as that of the Erasmus Smith's Grammar and Primary schools in 1669, that I may dwell for a moment upon the Act 7th of William III., c. 4, which, in 1695, was passed to restrain the education of the Irish in foreign countries, but which, *inter alia*, lays down:—

'That no person whatsoever of the Popish religion shall publicly teach school or instruct youth in learning, or in private houses teach or instruct youth in learning, within this realm, from henceforth, excepting the children or others under the guardianship of the master or mistress of such private house or family, upon pain of 20*l.*, and also being committed to prison without bail or mainprize for the space of three months for any such offence.'

This Act absolutely closed up every Catholic school, and it made no attempt to animate or reform the parish schools founded under the Act of Henry VIII., which it referred to as 'Not having had the desired effect, by reason of such Irish Popish schools being too much connived at.'

For eighty-seven years William's Act remained upon the Statute Book before it was repealed, and it was whilst it was in full force that, in 1733, the Protestant Charter schools were founded. Their original object was the maintenance of a sufficient number of English Protestant schools, wherein the children of the Irish nation might be instructed 'in the English tongue, and the fundamental principles of true religion.' The society which managed these schools enjoyed Parliamentary grants for a century. During a considerable period the grant was upwards of 40,000*l.* a year. In 1775 the society resolved:—'To admit none but children of Papists, or such as were in danger of being bred up Papists.'

But this resolution was annulled in 1803. Howard, the philanthropist, visited the Charter schools, on which in the long run, 1,000,000*l.* of public money was spent; and he gave an account of them which is sickening to read, and saddening to contemplate. Amongst other astounding facts, he said that 'The children were sickly, pale, and such miserable objects, they

were a disgrace to all society, and their reading had been neglected for the purpose of making them work for the masters' —an account which, when challenged, he completely vindicated before a Committee of the Irish House of Commons in 1788. The conscience of Protestant Scotland was aroused by the reports of the inefficiency and of the utter break-down of the Irish public schools, and expression was given to this state of feeling in the prospectus of the Edinburgh Society for Promoting the Education of the Poor in Ireland, under the presidency of the Earl of Selkirk. In this prospectus it was observed:—

'Provision is also made, at a great expense, for maintaining what are called the Protestant Charter schools. These establishments have, however, been productive of very limited effects. The utility of the Charter schools has been much impeded, by the narrow, exclusive principles on which they are instituted, none being received into them but the children of Protestants, or of Catholics who allow their children to be educated in the Protestant religion.'

Even the Protestant children in the elementary schools of this long and untoward period to which I am referring, were the victims of neglect and of unskilled, hap-hazard teaching. But, rivalling the sterility of the results, was the still more remarkable sterility of purpose, of plan, and of design as to school management, and as to methods of instruction. Not a single thought appears to have been given to the science of education, to the training of teachers, to the production of good school-manuals, or to any one of the countless phases into which the great question of popular education divides itself. As Mr. Peter Burroughs, a great lawyer and orator, said, in the year 1814, at the second annual meeting of the Society for Promoting the Education of the Poor (commonly known as the Kildare Place Society): 'There never has existed a country for which Nature has done so much, and Institution so little, as Ireland.'

It is far from my purpose to dwell upon the failings of Governments, or upon the imperfections of laws that favoured and sustained these measures. Our forefathers have not had a monopoly of blundering. In England and other countries, as well as in this, education has, unhappily, suffered from the errors and freaks of Parliaments and Governments. Without referring to educational perturbations, consequent upon political and religious considerations, like the Irish enactments to which I have been adverting, or like the ukases which, on the Continent, in former as well as in recent periods, have led to the disruption and dispersion of religious orders devoted to the

profession of education, I can point to numerous examples, in modern times, of the destructive postponements or the absolute frustration of noble educational schemes and of generous educational enterprises. It is, alas! an easy retrospect to recall examples of the kind. Let me select a few.

What country, towards the end of the last century, required, for the sake of its very existence, a knowledge of agricultural science so much as France? Yet the Abbé Rosier's plan for a national school of agriculture failed to attract Turgot, failed also with the National Assembly, and was afterwards unsuccessful when submitted to Napoleon himself.

Again, it might be asked—In what part of Europe was the softening influence of woman most needed in reaching the hearts and moulding the characters of children of their own sex, and even of little boys? For reasons which need not be stated, any reflecting mind would turn to Northern Germany: yet Prussia, for centuries, practically rejected the co-operation of woman in the teaching of public schools; and, except in the Catholic districts, where conventual education prevailed, the training of young women for the profession of teacher was not attempted until 1840.

And furthermore, it might be inquired—Of what period in England's history was Macaulay speaking when, in defending the principle that it was the duty of the State to educate the people, he spoke the following words?—

'I do not know if, from all history, I could select a stronger instance of my position, when I say that ignorance makes the persons and property of the community unsafe, and that the Government is bound to take measures to prevent that ignorance. On that occasion, what was the state of things? Without any shadow of a grievance, at the summons of a madman, 100,000 men rising in insurrection—a week of anarchy—Parliament besieged—your predecessor, sir, trembling in the chair—the lords pulled out of their coaches—the bishops flying over the tiles—not a sight, I trust, that would be pleasurable even to those who are now so unfavourable to the Church of England—thirty-six fires blazing at once in London—the house of the Chief Justice sacked—the children of the Prime Minister taken out of their beds in their night-clothes, and laid on the table of the Horse Guards—and all this nothing but the effect of the gross, brutish ignorance of the population, who had been left brutes in the midst of Christianity, savages in the midst of civilisation.'

The period referred to was that of the Gordon Riots of 1780. Yet that hapless ignorance was allowed to run its

course, and it cannot be forgotten that the political precursors of the present English system of popular education—Whitbread in 1807, and Brougham and Wyse and others in subsequent years—sustained numerous defeats in both Houses of Parliament until, at last, in 1839 (fifty-nine years after the Gordon Riots) Lord John Russell undertook, through the agency of a Committee of the Privy Council, the national education of the people of England.

Let me add only one more example from this Vandal catalogue—one that, from the rude treatment which it represents of a gentle phase of education, evokes painful disappointment. Is there in the whole educational world anyone who, at this moment, hesitates to consider a Kindergarten as the most innocent, the most joyous, the most hopeful picture of all educational life—with its school appliances, lovingly called 'gifts,' and its school exercises, fittingly called 'plays?' It would be scarcely an exaggeration to call it a child's paradise. No set tasks intrude, no hard lessons chill. Spontaneously the faculties dawn, the affections ripen, the senses quicken—

> . . . This is an art
> Which does mend nature: change it rather: but
> The art itself is nature.

Honour and gratitude to Friedrich Froebel, for inventing so pleasant an initiation to what is still popularly called the drudgery of school life. One might naturally suppose that no ruthless hand would ever disturb a system so pregnant with promise to confer blessings on the whole human race. But it is within the memory of many of us that in August, 1851, the Prussian Government, in panic and misconception, issued a decree couched in the most arbitrary terms, forbidding Froebel's Kindergartens to be carried on in the Prussian dominions, partly on the feeble and unphilosophical ground that it was 'laying at the foundation of the education of children a highly intricate theory.' The Kindergartens of Prussia were then shut up, and it was not until 1860, the year before our former meeting in Dublin, that the Prussian Government abrogated their indefensible decree. In the mean time, poor Froebel had died.

In the very year in which the inauspicious Act of William III., to which I have already referred, was passed, and thirty-eight years before the Charter schools were established, an event, which ought to have inspired their founders with generous aspirations, happened in the town of Halle, in Saxony. In that year, 1695, the great philanthropist, Franké, conceived

the idea of his celebrated orphanage. He was a poor parson. He had little or no means of his own. In the antechamber of his study he received his first few pupils. The parsonage soon became too small for the increasing number of his orphans. The fame of his system, however, soon excited benefactors to spring up far and near, and in a few years the orphanage was completed. Ultimately a congeries of institutions—educational and philanthropic—sprang up around his great central figure, the orphanage. The Christian world has, at all times, recognised its duty towards the fatherless and the motherless. Connected with abbeys and monasteries, there was often an asylum for orphans and poor scholars, some of whom were helped to assume the ecclesiastical state. But, as a rule, orphanages were mere poor houses, affording shelter, food, and raiment, and only a very trifling amount of education.

Franké, however, gave the orphan a career. He rapidly discovered what the child was fit for. Sometimes it was to be a ploughman, sometimes a mechanic, sometimes a member of a learned profession. The boy who displayed high talents was prepared for the University, and maintained *gratis* during his University course. My limits forbid that I should dwell upon Franké's labours, or attempt any detailed exposition of his system; not that, in view of the enormous increase, at the present day, of Orphanages, Industrial Schools, and Reformatories, such an exposition would be either uninteresting or unimportant; and I now refer to Franké mainly with a view of indicating the recklessness with which, in respect to current thought and opinion, the Charter schools were established and conducted.

Nearer home, stories of efficient systems of school-keeping could have been heard of. The Abbé de la Salle, the originator of the system of simultaneous instruction and the founder of the Christian Brothers, had lived and died, and his schools and system had for half a century flourished in France, before the opening of the first of the Irish Charter schools. For upwards of two centuries, Scotland had in full play its great system of parochial schools, nurtured by the people, sustained by all the magnates of the land, and gratefully designated by Lord Selkirk's Edinburgh Society as 'a valuable legacy of the Scottish Parliament to their country.'

But I need not further allude to the educational energies and fortunes of other lands. During the long period, 1537 to 1811—the first of the three periods into which I have divided the story of Irish education—the country was like a blackened sheet of glass. It reflected none of the beneficent designs of

philanthropists and none of the attributes of scientific systems of education. Centuries of time were lost and millions of money squandered without the slightest impression having been made by the Government upon the education of the great body of the people.

I now come to the period of dawn. Its approach was heralded by signs of great importance. The Christian Brothers had established themselves in Waterford. Various other efforts, limited and partial, had been made by the Catholics to get up schools for the poor. The public conscience, at last, revolted against the stagnation and ignorance which were the outcome of the blundering of the past. This important change in public opinion was, to a large extent, due to the action of Mr. Whitbread in his unsuccessful proposal to Parliament in 1807 to establish parochial schools in England 'for the exaltation of the character of the labourer.' Mr. Whitbread based the feasibility of his scheme of public education upon what was then termed the discovery of the monitorial system by Andrew Bell and Joseph Lancaster. The 'discovery' created an enormous sensation at the time. Bell and Lancaster, respectively, claimed the honour, and each had his partisans. The friends of Lancaster founded the British and Foreign School Society in 1805, and were specially honoured by the patronage and support of the King. In 1811 the friends of Bell founded the National Society. The object of each society, in respect to school organisation, was to instruct a high maximum of pupils with a low minimum of adult teaching-power. But in respect to religious principles there was a great divergence between the two societies. The British and Foreign School Society, whose system was popularly known as the 'Lancasterian,' limited the religious instruction to the reading of the Bible, without note or comment; whilst the National Society, whose system was popularly known as the 'Madras,' required the inculcation of the truths of religion according to the articles and formularies of the Established Church.

The accounts of the operations and principles of these societies excited great public attention in Ireland. As a feasible compromise, on religious grounds, the Lancasterian plan, which might prove acceptable to Catholics and Protestants alike, became a subject of earnest consideration and of deep anxiety in the minds of the chief leaders of public opinion. The outcome of the agitation of the public mind was the formation, in December, 1811, of the Society for the Promotion of the Education of the Poor of Ireland, afterwards better known as the Kildare Place Society. Lancaster's principles as

to religious teaching, and his plans and books as to school organisation, were unreservedly adopted by the Society. In their first annual report they speak of the principle of the Society as a 'conciliating principle,' and they describe it in the following terms:—

'The leading principle on which it has been judged expedient to act is to afford the same advantages for education to all classes of professing Christians, without interfering with the peculiar religious opinions of any. Guided by this principle, the Society conceived that the most efficient means for attaining their object would be to promote the establishment of schools wherein the poor might be instructed in reading, writing, and arithmetic, upon a cheap and expeditious plan; where the appointment of governors, teachers, and scholars should be uninfluenced by sectarian distinctions; and in which the Scriptures, *without note or comment*, should be used to the exclusion of all catechisms and books of religious controversy.'

The publication of this principle naturally excited an abundance of criticism—from the Protestant side, on the score of the insufficiency of the proposed religious teaching; from the Catholic side, because Bible-reading, as a school exercise, was not sanctioned by the Catholic Church, and, further, because masters, under the stringent provisions of the rules, could give Catholic pupils no positive instruction in their own catechism and religion. The answer to all this was, that the exigency of the times demanded a truce—a truce to bury the painful memories of nearly three centuries; a truce to enable the combatants, the Catholics and the Protestants, to meet and shake hands; a truce to settle the terms of a compromise. Even whilst the controversy was proceeding, the Society was largely welcomed by eminent men of all shades of opinion, and in the third year of its operations felt itself warranted in declaring—

'That we remain unshaken in our convictions of the great advantages which must result from diffusing throughout Ireland a *well-ordered* system of education, which, combining economy of time and money with due attention to morals, cleanliness, and discipline, shall be completely divested of sectarian distinctions in every part of the arrangement; and that we are now fully satisfied of the practicability of carrying such a system into effect.'

This question of '*practicability*' was a serious one. But the passage which I have just quoted shows that it was finally determined; and the society was inaugurated under auspices of the most promising and brilliant character. His Royal High-

ness the Duke of Kent, the illustrious father of Her Most Gracious Majesty, was solicited to become its Patron; and, in accepting the appointment, he observed:—

'That he did not hesitate in assenting to the wish expressed by the Committee, when he perceived that their Society was established upon that liberal plan which was everywhere so important, but in Ireland absolutely indispensable.'

Those pregnant words of His Royal Highness are particularly noteworthy. Indeed, to be historical, I may suitably characterise them as the first Royal utterances from the time of Henry VIII., in favour of a system of education based upon principles which assumed their acceptability by the people of Ireland generally. Other important personages joined the Society. The Duke of Leinster became the Vice-Patron; Lords Charlemont and De Vesci (Protestants), and Lords Fingal and Southwell (Catholics), became Vice-Presidents.

Indeed, it was regarded at the time as a remarkable spectacle to see, after centuries of gloom, eminent men of all phases of politics and religion, banded together to declare to the world that education in Ireland, so far as it affected the Catholic population, was no longer to be a mere instrument for the promotion of proselytism.

The great merit of the Society was that as soon as it obtained funds, at first by no means ample, it devoted its energies to matters almost entirely new to Ireland, viz., school organisation, methods of teaching, compilation of school books, production of school apparatus, and the training of teachers. An impetus of a most propitious character was given to the fortunes of the Society by a visit which Bell and Lancaster paid to Ireland in 1814. The principle of both, as indeed of all the great educational reformers, was that school organisation, by the application of wise schemes, and of skilful methods in teaching,—schemes and methods which, in regard to education, are analogous to the employment of machinery in the case of manufactures,—should, by multiplying the power of the master to teach large numbers as rapidly and efficiently as, without such aids, he could instruct only small numbers, bring the cost of education down to such a moderate and supportable figure as to facilitate the establishment of schools for the great masses of the poor.

Lancaster, of course, was the champion of the Society. He energetically defended its religious principles, and advocated the educational reforms it was cherishing. Indeed, he ceaselessly directed the attention of the country to thoughts about organisation and method, and to the feasibility of making

elementary school-life pleasant and its progress rapid. His enthusiasm was unbounded. In the limited time at my command, I could not venture to enter into a discussion of his views of school-keeping and school-teaching; but it would be ungrateful and unjust, in any survey of the subject of Irish national education, however I may have to differ from him as to some of his principles, to hesitate to bestow a word of gratitude upon him for having elevated the *technical* question of education to a height of popular favour which otherwise would not have been reached for decades and decades of years.

Indeed, the question of method—that is, how to teach, and how to organise schools—assumed, at the time, dimensions which few subjects of social science have ever attained to. The ferment spread through Germany and Holland, and found its way to Spain. Even Napoleon, in the midst of his tremendous anxieties,—seven weeks before Waterloo,—found time to turn his thoughts to a report of his Minister, Carnot, in which it was stated that there were in France at the time two million of children who required primary education, and recommending the establishment of schools on the model of the system of Bell and Lancaster. The preamble to Napoleon's decree, which followed the Minister's report, recited that—

'Considering the importance of primary education for improving the state of society; considering that the methods hitherto used in France have not attained to that degree of perfection to which it is possible to reach; and desiring to place this branch of our institutions on a footing with the intelligence of the age, we have decreed and do decree as follows:—

'ART. 1.—Our Minister of the Interior shall invite around him the persons who deserve to be consulted as to the best method of *primary education;* he shall examine and decide on those methods, and direct the experiment of such as he shall deem preferable.

'ART. 2.—There shall be opened at Paris an experimental school of primary education, so organised as to serve for a model, and so become a *normal school* to form primary teachers.

'ART. 3.—After satisfactory results shall have been obtained from this school of experiment, our Minister of the Interior shall propose to us the measures calculated to enable all the departments to enjoy all the advantages of the new methods which shall have been adopted.'

At a moment when their income was barely 300*l.* a year, and their expenditure somewhat more, the Kildare Place Society, intoxicated by the glowing promises of the new methods, and convinced that, without professional training, it

was futile to expect teachers to pursue the calling as a scientific art, resolved to build a model school and a seminary for the training of masters. As it appeared to be hopeless to collect the necessary funds for the purpose from private sources, they appealed to Parliament for support, and candidly declared in their appeal the distinguishing principles on which they were pledged to act. In the session 1814–15 Parliament voted 6,980*l.* for the special purpose of erecting the projected Model and Normal School. In each subsequent year a Parliamentary vote was obtained for the different purposes of the society, the amount varying from year to year until it reached 30,000*l.* In 1819, the Model and Training Schools in Kildare Place were opened. A system of inspection was established, and, when the report of the inspector was favourable, an annual pecuniary gratuity—on an average about 5*l.*—was awarded to the teacher. Grants were also made towards the expense of building, furnishing, and fitting up school-houses. Some elementary school-books were prepared and issued at moderate prices to the schools, and a depository of cheap books was established to provide lending libraries, not only for the schools of the society but for kindred institutions generally. The formation of local associations to take part in the management and superintendence of the schools was recommended. In point of fact, a somewhat elaborate system, possessing practical and important qualities, was devised, and it elicited from His Majesty's Commission of Irish Education Enquiry, in their Report of 1825, an acknowledgment that, *inter alia*, the society, by directing the public mind so powerfully to education, had conferred the most extensive and undoubted benefits upon Ireland. At the same time, however, the Commission expressed a decided opinion that the society had absolutely failed in affording, by its operations or principles, anything like general satisfaction.

The latent antipathies of the Catholics, on religious grounds, had from year to year been intensifying, and had at last grown into a white-heat of hostility. It was imputed to the society that education was their pretence, and proselytism their purpose—a charge which they indignantly repudiated. The administration itself was, in turn, assailed as wanting in fairness and impartiality. In a discussion in the House of Lords, in 1823, the Duke of Leinster, the original Vice-Patron of the society, energetically demonstrated that he sympathised with the popular distrust in the administration, and emphatically announced his withdrawal from the society. The retirement of His Grace produced a deep impression upon the public mind. The Roman Catholic Bishops then began to require

the withdrawal of the Catholic children from the society's schools, and the opposition from the episcopal bench culminated March, 1827, in a letter from Dr. Doyle, Bishop of Kildare and Leighlin, in an attack upon the whole policy and proceedings of the system. The society battled hard in defence of its integrity, and resolved, at any cost, to cling to its principles. Suffice it to say that in the controversy which, from day to day, grew more intense and embittered, it was often quoted that the Royal Commission of 1812 declared it as their opinion that no system of popular education in Ireland could succeed 'unless it be explicitly avowed, and clearly understood as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or description of Christians;' and that in 1828 a Select Committee of the House of Commons, in view of the distracted state of Ireland on the question of education, recommended that a system should be adopted which would afford, if possible, a combined literary and separate religious education, 'so as to render it in truth a system of national education.' In 1829, the Catholic Relief Act, popularly called the Act of Catholic Emancipation, was passed, and, at the next following general election, the question of education had possession of the Irish hustings. In 1831, only three-eighths of the 1,620 schools, and a similar proportion of the 2,103 teachers on the lists of the Kildare Place society, whether under Catholic or Protestant patrons, were to be found in the whole of the three Catholic provinces of Munster, Leinster, and Connaught. The supreme moment of the society's trial had come.

In the September of that year, Mr. Stanley (afterwards Earl of Derby), in his capacity of Chief Secretary, announced in the House of Commons the intention of the Government to establish a new system of National Education in Ireland; and in the following month he addressed a letter to the Duke of Leinster, embodying the principles of the new system, and proposing the formation of a National Board of Education. The following extracts from his letter explain the grounds on which he based the necessity for the establishment of the new system:—

'The determination to enforce in all their (*i.e.* the Kildare Place Society's) schools the reading of the Holy Scriptures without note or comment, was undoubtedly taken with the purest motives; with the wish at once to connect religious with moral and literary education, and, at the same time, not to run the risk of wounding the peculiar feelings of any sect by catechetical instruction or comments which might tend to subjects of polemical controversy. But it seems to

have been overlooked that the principles of the Roman Catholic Church (to which, in any system intended for general diffusion throughout Ireland, the bulk of the pupils must necessarily belong) were totally at variance with this principle; and that the indiscriminate reading of the Holy Scriptures without note or comment by children, must be peculiarly obnoxious to a Church which denies, even to adults, the right of unaided private interpretation of the Sacred Volume with respect to articles of religious belief. Shortly after its institution, although the society prospered and extended its operations under the fostering care of the Legislature, this vital defect began to be noticed, and the Roman Catholic clergy began to exert themselves, with energy and success, against a system to which they were on principle opposed, and which they feared might lead, in its results, to proselytism, even although no such object were contemplated by its promoters. When this opposition arose, founded on such grounds, it soon became manifest that the system could not become one of national education.'

This completes my story of the second period, the story of the rise and fall of the Kildare Place Society, as an agency in dispensing the Parliamentary funds for the promotion of popular education.

Convinced that no private society, like the Kildare Place Society, 'deriving a part, however small, of their annual income from private sources, and only made the channel of the munificence of the Legislature, without being subject to any direct responsibility, could adequately and satisfactorily' administer a great National system of education, the Government resolved to appoint an independent and responsible Board of seven Commissioners, viz.: The Duke of Leinster, Archbishop Whately, Archbishop Murray, the Rev. Dr. Sadleir, the Rev. Mr. Carlile, Mr. Blake, and Mr. Holmes. To these Commissioners was given 'absolute control' over the funds annually voted by Parliament for the support of national education. They were to grant aid towards the erection of schools, to appoint inspectors, and an administrative staff, to award gratuities to teachers, to establish a model and training school, and to edit and publish suitable school-books. In a word, the Commissioners were to constitute the official department of Irish national education.

In the brief time at my command, it would be quite impossible to follow in detail the gradual expansion of the system, the development of its principles, the enlargement from time to time of its scope, the difficulties with which it had to con-

tend, and the ordeals of inquiry, in and out of Parliament, through which it had to pass. I shall, accordingly, only attempt to give you, in very brief outline, a delineation of some of the most prominent features and operations of the system.

The fundamental principle of the new system was, that it was to be one of 'combined secular and moral, and separate religious instruction.' Compulsory Bible-reading, which was fatal to the Kildare Place Society, was to be heard of no more. The espousal of the system by the eminent personages—Catholic, Protestant, and Dissenting—who constituted the Board was regarded as prefigurative of a success unlikely to be jeopardised by the complications and entanglements of the religious difficulty. But the Board had scarcely advanced a single step when they were encountered by the hostility of the great body of the Protestants of the country—Episcopalian and Presbyterian—and of a not uninfluential section of the Catholic community. In the face of every difficulty, however, the Commissioners, uniformly sustained by successive Parliaments and Governments, pursued their appointed course, and patiently dedicated themselves to the construction of a great system of impartial education for Ireland. But how does practical recognition of the system, by the several religious denominations, evince itself at the present day? A few figures will tell:—

(*a.*) There are 1,269 Catholic priests, who have 4,825 schools under their management, and 212 Catholic laymen, who have 303 schools. Total, 1,481 Catholic managers, with 5,128 schools.

(*b.*) There are 412 clergymen of the late Established Church, who have 608 schools, and 374 late Established Church laymen, who have 757 schools. Total, 786 late Established Church managers, with 1,365 schools.

(*c.*) There are 344 Presbyterian ministers, who have 588 schools, and 191 Presbyterian laymen, who have 226 schools. Total, 535 Presbyterian managers, with 814 schools.

(*d.*) There are 45 Dissenting clergymen, who have 62 schools, and 45 Dissenting laymen, who have 62 schools. Total, 90 Dissenting managers, with 124 schools.

These figures show a total of 2,070 clerical managers having 6,083 schools, and 822 lay managers having 1,348 schools. Grand total, 2,892 managers having 7,431 schools. (From this summary I omit 253 schools under official patronage.) Besides exemplifying the acceptability—I might say the popularity—of the system, these figures realise the maxim of M. Victor Cousin, that—

'After the administrative authorities, it is unquestionably

the clergy who ought to occupy the most important place in the business of popular education.'

In their most sanguine speculations, the original Board of Commissioners could hardly have ventured to anticipate that nearly every parish priest in the country, and a large proportion of the Presbyterian ministers, with a goodly array of the clergy and laity of the late Established Church, as well as a number of Dissenting ministers and laymen, would, voluntarily and heartily, become the agents of the Board in the important and laborious position of managers of schools. The schools of which this great body of managers have the charge had on their rolls last year—

Roman Catholics	855,057
Late Established Church	102,218
Presbyterians	115,629
Other denominations	10,116

These figures show that the proportions of the children of the different religious denominations at the schools tally very closely indeed with the proportions of the several religious denominations in the population.

The percentages of the religious denominations are—

—	Roman Catholics	Late Established Church	Presbyterians	Others
In the case of the Population . . .	76·6	12·3	9·4	1·6
In the case of the children on the rolls of the National Schools .	79	9·4	10·7	0·9

It may here be in place, and not uninteresting, to point to a few more figures, which show the steady development of public confidence as manifested by the periodical growth of the system:—

Year	Population	No. of National Schools	Pupils on Rolls	Parliamentary Vote
				£
1833–4	7,851,988	789	107,042	25,000
1840–1	8,196,597	1,978	232,560	50,000
1850–1	6,574,278	4,547	511,239	125,000
1860–1	5,798,967	5,632	804,000	294,041
1870–1	5,412,377	6,806	950,999	399,834
1880–1	5,159,839	7,590	1,083,020	747,788

Instead of leading you through the modifications which, from time to time, were made by the Board, in the rules bearing upon religious instruction, modifications which, if exhaustively treated, would absorb quintuple the whole of the time at my command, I shall at once briefly describe the rules as they now stand, and have stood since the year 1866, when, so to speak, they were stereotyped as the outcome of the anxious experience of the previous thirty-five years.

There are two classes of National schools, viz.:—vested schools, built partly by aid from the board, and non-vested schools, which are local or private property.

'In vested schools such pastors or other persons as shall be approved of by the parents or guardians of the children, respectively shall have access to them *in the school-room*, for the purpose of giving them religious instruction there, at times convenient for that purpose—that is, at times so appointed as not to interfere unduly with the other arrangements of the school. In non-vested schools, it is for the patrons or local managers to determine whether any, and if any, what religious instruction shall be given *in the school-room*; but if they do not permit it to be given in the school-room, the children whose parents or guardians so desire, must be allowed to absent themselves from the school, at reasonable times, for the purpose of receiving such instruction elsewhere.'

At present there are 5,681 non-vested schools, and only 2,121 vested schools. The vesting may be either in the Board in its corporate capacity, or in trustees nominated by the persons who establish the school.

Every National school must be open for secular instruction during at least four hours a day upon five days of the week: this is the great public requirement in the secular interests of the children. And in respect to their religious life, it is enjoined, as I have just shown, that opportunities must be afforded to them for receiving such religious instruction as their parents or guardians approve of:—

'The religious instruction must be so arranged that each school shall be open to children of all communions; that due regard be had to parental right and authority; that, accordingly, no child shall receive, or be present at, any religious instruction of which his parents or guardians disapprove; and that the time for giving it be so fixed that no child shall be thereby, in effect, excluded, directly or indirectly, from the other advantages which the school affords.'

But the safeguards against undue interference of any kind with the consciences of the pupils are not limited to the rule

which I have just quoted; for, by another rule, it is provided that no child can, under any circumstances whatever, except upon the written certificate of his parent or guardian, spontaneously recorded on an official form which has to be certified by the teacher and countersigned by the inspector, be permitted to be present at any religious instruction unless that of his own Church, and given by a teacher of his own Church. As the reading of the Holy Scriptures comes under the rules as to religious instruction, this is, very likely, the most drastic conscience-clause which any education code in the world contains. But, in the interests of Ireland, it is a wise clause. Its operation demonstrates its wisdom. Absolute peace, as to religious matters, prevails in the National schools, and anything in the shape of proselytism is simply out of the question.

I cannot, however, dismiss the subject of religious instruction without prominently drawing attention to a misconception which is prevalent to a great extent in England, and to a still greater extent in some of the Colonies, that the Irish National school system is essentially a secular one. No greater misconception could possibly exist. From an examination of the reports of the inspectors upon 7,343 schools visited in the year 1880, it is found that in 7,195 schools separate religious instruction—catechetical in the schools under Catholics; Biblical, or catechetical, or both, in the schools under Protestants—is, at appointed times (in the vast majority of cases daily), provided for the pupils; there being thus left, throughout the length and breadth of the land, only 148 schools in which no separate religious instruction is provided for any of the scholars. This, I think, is conclusive as to the alleged secularism of National schools.

The Board, as originally constituted, consisted of persons pre-eminently fitted to found a great system of education. One of their first cares was to see that schools were held in suitable houses. They made grants, from time to time, in aid of the building and the repairing of school-houses.

In 1875, an Act of Parliament was passed, enabling managers to obtain, on very easy terms, grants and loans for the erection of teachers' residences. Up to the present, however, the Act has been comparatively inoperative, the loans or grants perfected numbering, in the aggregate, only 156.

The interest of the Commissioners in the school fabrics was of secondary importance to that pertaining to the school teachers. I have already mentioned that the first appeal made to Parliament by the Kildare Place Society was for a grant to

build a model and training school. Parliament could not have been approached upon grounds more attractive. The triumphs of the great Continental educationists were then becoming known to the public men of the United Kingdom. A special vote of 6,980*l.* was, without reluctance, passed for the projected model and training school, and this, be it observed, a full quarter of a century before any such grant was made in Great Britain. The Continental training schools were practically colleges—students spent years in them. But the most the Kildare Place Society felt they ought to attempt to accomplish was to give a very short training, a sort of 'brushing up,' for seven or eight weeks to persons already employed as teachers. In this manner they hoped to overtake what they called 'the training' of the hundreds of existing teachers whom they found in charge of schools.

In his letter constituting the Board, Mr. Stanley limited the power of managers, in the appointment of teachers, to the selection of candidates who had received previous instruction in a model school 'to be sanctioned by the Board;' and he provided explicitly that the Board should establish a model school in Dublin for the training of teachers for country schools. Of course, compliance with the first requirement was out of the question. In a few words the Board had about 800 schools. Some of the teachers of these schools had previously, in the Kildare Place Society, got that brief 'brushing up' which was called 'training'; but the Board had to accept hundreds of others, who had become teachers without knowing anything more of the art of teaching than the art of making watches. In 1834, the Commissioners partly fulfilled Mr. Stanley's second requirement by opening their normal school for masters, and the requirement was completed when, in 1842, the school for mistresses was established. Like the Kildare Place Society, the Board had, however, to attempt, by a short period of instruction, to overtake the training of the teachers already employed. The course of training, accordingly, was arranged to comprise a period of four or five months only. Though utterly inadequate to reach more than the A B C of the technical and philosophical training contemplated by De la Salle, Franké, Pestalozzi, Overberg, and the other great fathers of educational reform, this limited course of training had its advantages. It gave the students an opportunity of seeing the systems of instruction and plans of organisation which, under highly skilful teachers—among them being Wilderspin, the great master of infant school education—were most in repute, and most suitable to the wants of Irish schools.

But such a hurried glance at schools, and such brief attendance upon the lectures of able professors, were, of course, only a makeshift for a genuine system of training. It is only within the last few years that the Commissioners have extended the period of training from four or five months to a session of a year.

At the present moment we have in the National schools 7,365 untrained, and only 3,309 trained teachers. This startling fact is of course attributable to the circumstance that there is in the country only one training college, supported by the public funds, to supply the wants of 7,590 schools, or, in other words, is attributable to the non-existence of recognised normal schools under non-official management. It might be fairly said, in reference to all this—Why not have established five, six, eight, or ten normal schools throughout the country, maintained and conducted entirely by the Board, on the same principles as the institution in Marlborough Street? The answer, however, is, that owing to the deep-seated hostility of the Roman Catholic ecclesiastics to the principle of 'mixed training,' *i.e.* to the principle of Catholic and Protestant students being boarded, lodged, and educated together, an extension of the present plan would be sure to have eventuated in failure. In 1861, the Catholic Bishops pronounced an emphatic disapproval of the Marlborough Street Training College, and even went so far as to declare all persons trained after the following year in Marlborough Street ineligible for teachership in schools under Roman Catholic clerical management. As an illustration of the effect of the action of the Bishops, it may be observed that in the year 1858, for instance, shortly before the period to which I have referred, the number of students trained was 260, of whom 207 were Roman Catholics. These numbers represent pretty accurately the proportion between Catholic and Protestant teachers in the country. Last year, however, the number trained was 161, of whom only 59 were Roman Catholics.

In 1874, Sir Michael Hicks-Beach, then Chief Secretary, addressed the Board upon the question of the training of teachers, and, referring to the injurious effect upon the general standard of education caused by the insufficiency of trained teachers, directed the attention of the Commissioners to the proposal made in 1866 by Mr. Fortescue (now Lord Carlingford), and also to the recommendation of the Royal Commission of Inquiry in 1868, both of them in favour of the endowment of training colleges established under local auspices; and the Chief Secretary added that—

'It would be a source of deep gratification if, with the valuable assistance of the Commissioners of National Education, some practical and reasonable scheme could be devised, to remedy a state of things which is such a serious obstacle to maintaining at the highest standard the education of the Irish people.'

Responding to Sir Michael Hicks-Beach's request, the Board proposed the adoption of a scheme, almost identical in its provisions with that in force for the maintenance of training colleges in England and Scotland, which are all under local management. Hitherto, however, no action has been taken by the Government upon the recommendations of the Board.

I should observe that there are in Ireland three training schools which are supported entirely by private funds, one for Protestants in connection with the Church Education Society, and two (established in recent years) for Roman Catholics. According to existing arrangements, however, the schools can obtain no public grants towards their support, nor can they be placed under official inspection.

Unfortunately I have not time to discuss this subject of training with the detail and the thoroughness which its importance demands. In the interest of Irish education, as in the estimation of educationists all over the world, it is the question of questions. Even in the infancy of its discussion, it secured for popular education the sympathies of a great part of Europe. 'Those seminaries for training masters,' Lord Brougham once observed, 'are an invaluable gift to mankind, and lead to the indefinite improvement of education.'

The provisions for training colleges in the Parliamentary estimates, 1881-82, are:—

(*a.*) England and Wales, 108,600*l.*, to support forty-one colleges with 3,112 students.

(*b.*) Scotland, 25,900*l.*, to support seven colleges with 892 students.

(*c.*) Ireland, 7,823*l.*, to support one college with 220 students.

I am happy to be able to observe, however, that the untrained teachers are by no means altogether unprepared for the performance of their duties, inasmuch as a vast proportion of them, before their appointment, have had the advantage of monitorial training in ordinary and Model National schools. In 1880 the proportion of new teachers who had previously been monitors or pupil teachers was 72 per cent. To that extent the defect arising from the employment of so many untrained teachers is considerably mitigated. Besides, it is to be

observed that every teacher, before appointment, whether as principal or assistant, has to pass an examination of a very searching character to obtain a certificate of classification, or, as it is expressed in England, to be 'certificated.' It is to this monitorial system of training, in the ordinary as well as in the Model National schools, that the Irish National system owes much of its success. The Board began the system so far back as 1834. At the present time there are 6,247 monitors in the National schools.

The Commissioners do not interfere in the appointment of teachers, but they impress upon managers, with whom, subject to stringent conditions as to qualifications and general fitness, the appointment rests, that—

'National teachers should be persons of Christian sentiment, of calm temper, and discretion; they should be imbued with a spirit of peace, of obedience to the law, and of loyalty to their Sovereign; they should not only possess *the art of communicating knowledge*, but be capable of *moulding the mind of youth, and of giving to the power which education confers a useful direction.*'

In regard to the remuneration of the teachers, the Government originally contemplated to do no more than award gratuities to them, as had been the practice in the Kildare Place Society. The bulk of their support was to come from the pupils and the patrons of the schools. For the first seven years the Commissioners pursued this course, granting a uniform sum of 10*l.* a year to masters, and of 8*l.* a year to mistresses. In 1839, the teachers were divided into three classes, and paid salaries ranging from 10*l.* to 20*l.* a year. From time to time the salaries were increased. At present they range from 35*l.* to 70*l.* a year for masters, and from 27*l.* to 58*l.* a year for mistresses. In augmentation of their salaries the teachers, besides the school fees of their pupils and local subscriptions, obtain from the Board results fees equivalent on the average to about a third of the class salaries. In this manner the Commissioners contribute, from the Parliamentary vote, four-fifths of the whole of the incomes of the teachers.

In view, however, of the great disproportion existing between the contribution of the State and that of the localities towards the support of schools, the Government, in 1875, passed a measure authorising Boards of Guardians to become contributory to the support of National education, by paying from the rates an amount equivalent to a third of the results fees. If all the unions had become contributory, the total amount devoted to education from the rates would have been 60,000*l.* But, of the 163 unions into which Ireland is

divided, only seventy-one have, even temporarily, become contributory, and, at the present moment, there are only sixteen unions in that category. The Act, although a failure, was a most interesting experiment. It was very important to ascertain to what extent the country, as represented by the guardians of the poor, was prepared voluntarily to tax itself in support of National education.

The pensioning of teachers in their old age, or when broken down by ill-health, has been a subject of much concern to the Governments of many countries. In Prussia for sixty-two years there has been in operation a scheme securing pensions for the teachers, and making moderate provision for the support of the widows and orphans of deceased teachers. Two years ago a most important Act was passed for the pensioning of the Irish National teachers. The scheme is based upon an assurance principle, the teacher contributing only a fourth part of the annual premium. The remaining three-fourths are provided from a sum of 1,300,000*l.* of the Irish Church Surplus, appropriated for the purpose under the authority of the Act. The ages for retirement on full pensions are sixty-five in the case of masters, and sixty in the case of mistresses; and the full pensions vary from 88*l.* to 35*l.* for masters, and from 63*l.* to 25*l.* for mistresses. To the Commissioners, who felt that teachers have a hard life and are more exposed to the dangers of epidemics than ordinary people, those retiring ages appeared to be decidedly too high; but the eminent actuary who settled the figures and details of the scheme for the Government, and who traced the careers of nearly 32,000 teachers, came to the conclusion 'that the teachers' chances of living are far in excess of what are called the select lives' in the various insurance offices.

The quality and prices of the books to be used in National schools was a subject which engaged the attention of the Commissioners from the very outset. A Cheap Book Society was established in Dublin in 1814, for providing useful and instructive books of a secular character, to supersede the immoral and vicious books then in use in schools and amongst the lower classes of the people. The Kildare Place Society appealed to Parliament for a grant to enable them, by the publication of good books, to cope with this great difficulty, and in 1815 readily obtained a vote of 6,000*l.* for the purpose. In those early times the Catholic Book Society also published some useful little works, which obtained a considerable circulation. But the Commissioners of National Education found the atmosphere of the school still polluted by the immoral verses and

the sickening stories read aloud from day to day by children whose natures were simple and whose hearts were pure. Very quickly, the Commissioners edited and published a series of school-books, and sold them, at reduced rates, to the managers of schools. The use of these books was not compulsory; but, practically, owing to their cheapness and excellence, no other books could command a footing in the National schools. In the course of time, the admirable fitness of the books—particularly the class-reading books—for the education of children in primary schools became so generally known and appreciated, that applications for their purchase were frequently received from persons and societies connected with education in England, Scotland, and the Colonies; and the Commissioners felt it to be consistent with their principles as promoters of education to yield to such applications, and to sell the books to all comers, not at the reduced prices at which they were supplied to National schools, but on terms which secured a moderate profit. In 1849 the leading booksellers of London, represented by Longman & Co. and John Murray, in a letter addressed to the Prime Minister, protested against the proceedings of the Commissioners, as an unjust and impolitic interference with private enterprise; and, in support of their protest against what they designated a Government manufactory of school-books in Ireland, they showed that, exclusive of the books sold by agents of the Commissioners in London and elsewhere, about a fourth part of the books supplied to English schools in connection with the Committee of Council on Education came from the depository of the Commissioners in Dublin. In the course of their remonstrance, the booksellers assailed, not only the principle of free sale, but the merits of the books issued by the Commissioners. On the latter point, Lord John Russell, in his reply, observed:—

'The sale of their books in the colonies and in foreign countries proves, at least, that they are not of the inferior quality which you ascribe to them. Indeed, in point of general reputation, it is certain that some of the books written or compiled for the Irish schools stand very high.'

The upshot, however, of the booksellers' agitation was that the Commissioners limited the sale of their books to their own schools; but private publishers have, up to this day, found it to be their interest to reproduce the Irish books, for sale in the open market, and it is well known that a considerable demand for them exists in various places, especially in the colonies.

I have thought it a matter of no little interest to make

special reference to this episode, as an illustration of the fruits of educational enterprise and public spirit, in contrast with the deadly stagnation of thought and of scholastic purpose that characterised the delineation of the dark period in Irish education, with which I opened my address.

The Commissioners, as I have said, do not attempt to force the use of their books. They have no desire to be publishing monopolists. For obvious reasons, however, they require that any book proposed for use in a National school shall be submitted for their sanction. But this is the only limitation to a free use in National schools of books by whomsoever written or published.

The function of educationists is to discover *methods* of instruction; the function of Governments is to discover *tests* of efficiency. In respect to the latter function, the great discovery of modern times is the system of payment for ascertained results.

When advocating the establishment of parish schools, Adam Smith spoke of 'the master' as 'being partly but not wholly paid by the public; because if he were wholly or principally paid by it, he would soon learn to neglect his business.' The Irish master is principally paid by the public: for, as I have already observed, four-fifths of his income are derived from the Parliamentary grant; but the application of the system of payment for results is a safeguard, even more telling than that contemplated by Adam Smith, against any possible neglect of 'business.' When the Commissioners adopted the principle of payment for results, they decided not to make it the basis of *all* the payment a teacher might receive from them. They felt that as a teacher enjoyed a permanent appointment, he ought, undoubtedly, to have some permanent income; and, accordingly, they simply tacked the earnings possible under a scale of payment for results as a bonus to his *class* salary. The class salary is fixed and certain—the bonus is apportioned to the ascertained results. In the working of this compound plan, which had its origin in a scheme of education devised for Trinidad in 1869, it is found that, on the average, two-thirds of the teacher's income from the Board constitute the class salary, the remaining third being derived from results.

It would be more than human to expect that teachers, or indeed any class of persons, would take kindly to a system of tests that makes even a portion of their income contingent upon the fulfilment of conditions which, to some extent, are precarious and, to a far larger extent, dependent upon in-

cessant hard work. Accordingly, the teachers, as a body, do not like the scheme. On the other hand, I can unreservedly state that, of hundreds upon hundreds of managers of schools who have conferred with me upon the scheme, I have met only one who disapproved of it. More than once the Roman Catholic Bishops, who represent the managers of four-fifths of the schools, have unanimously expressed the highest commendation of the scheme. But it would be the sheerest fatuity to ignore the enormous improvement in the education of the people which this results system, as a system of tests, has produced. It has been in operation only nine years. In that period the average attendance has increased 32 per cent. The local emoluments of the teachers have increased 119 per cent. The percentage of children in the higher classes, before the results period, never quite reached 8; last year, it was nearly 24 per cent. The centesimal proportion of the proficient to the total number examined in each branch is the best indication of the merits of a school. Selecting the published educational returns of 1870 (before the system of results had been decided upon), and comparing them with those of 1880 (when the system was in full operation), I find the following remarkable contrasts:—

Year	Reading	Writing	Arithmetic	Spelling or Dictation	Grammar	Geography
1870 . .	70·5	57·7	54·4	61·	31·5	44·5
1880 . .	91·4	93·8	74·8	80·6	59·8	58·6

As regards the three essential subjects, these percentages for 1880 compare favourably with the English returns:—

Subject	England	Ireland
Reading . . .	88·2	91·4
Writing . . .	80·4	93·8
Arithmetic . . .	74·9	74·8

But it is not by figures alone, even such figures as these, that the fruits of the system of tests by individual results can be satisfactorily gauged. These fruits are manifest in a revival of educational enterprise, in more earnest management, more skilful organisation, and more rational methods. The system forces teachers to be exact in their teaching, and it forces the Commissioners to be exact in their tests. But its most conspicuous fruit is the emancipation of the junior classes

—the first and second—from the doom of a stagnation which has hitherto been the reproach of popular education. There is not now a little child in a National school, even in the remotest parts of the country, who does not feel that he, too, has an important part to play in the educational tournament which comes off annually at the results examination, and the preparation for which is going on every day throughout the year. He has to make his requisite number of attendances, to write the set number of copies, to get off by heart the appointed pieces of poetry, and to master the necessary chapters and books in the various subjects of his course. At home and at school, his thoughts are about the great results day. His father and mother participate in the excitement. Now, there was nothing of this sort under the old system, nothing of this thought and anxiety and interest about school life, and certainly nothing which comes so close to the ideal of a community of managers, inspectors, teachers, and children, bent upon making the most of the opportunities of education.

My time enables me to state only summarily that the curriculum of the National schools of Ireland embraces, as obligatory subjects of instruction, reading, spelling, writing, arithmetic, grammar, geography, agriculture (for boys), book-keeping, and needlework (for girls). The results fees for these subjects are graduated according to a scale ranging from a possible earning per pupil of *5s.* in the first class to *17s. 6d.* in the sixth. Then there are extra branches for which special results fees are provided, but some of which must be taught outside of the ordinary school hours. These branches are music, drawing, practical subjects for girls, physical geography, Greek, Latin, French, Irish, the physical and natural sciences, and mathematics.

I may, even ever so briefly, refer to only one of the compulsory subjects, viz. agriculture. The Commissioners have tried many experiments as to the most efficient means of promoting agricultural education. They have tried the establishment of large model farms, which, however, have not proved successful, and which, except in two cases, have been abandoned. For a diffusion of sound agricultural knowledge, however, the Commissioners rely most upon an intelligent teaching of the agricultural manuals to the boys in rural schools of the fourth, fifth, and sixth classes. Upon the boys of these classes, in rural schools, the study of agriculture is obligatory. Last year, results fees for 14,857 successful 'passes' in agriculture were awarded. Now that, through

the operation of the Land Act, farmers have acquired very important rights in respect to their holdings, it behoves everybody interested in the prosperity of the country to make them skilful in their calling. This brings me to the momentous question of school attendance.

The usual way to represent the numbers on the rolls of schools is to give the number attending for any time, long or short, within a given period. The longer the given period the greater, of course, will be the number on the rolls, especially in places where population fluctuates or attendance is irregular. To give the number who attended at any time during the year is to include many who, in the course of the year, died, or abandoned school altogether, or made only a few attendances, or who, appearing in different schools in the same place or in different places, were counted twice or oftener. At the same time, the adoption of the span of a year, with all its admitted drawbacks and imperfections, affords to the educationist excellent material for investigating the problem of school attendance. Taking a year as a basis, I find that last year the number on the rolls in Ireland was 1,083,020, or 1 in 5 of the population; and that, taking so limited a period as a fortnight for a basis, the number was 671,877, or 1 in 7·6 of the population. The average attendance for the whole year was 468,557, or 1 in 11 of the population. These three numbers may be proportionately represented in smaller numbers by 10, 6·2, and 4·3. But, in whatever light these numbers may be viewed, it is manifest that the quality of the attendance is susceptible of vast improvement. Deducting Saturdays, holidays, and vacations, I find that the number of school days in the year is about 220. But another important deduction must be made. Upon the three or four hundred thousand small farms in Ireland, the children are an important factor in the labour of the farms. Indeed, it may be said that to their parents, at the busy seasons, their labour is indispensable. Allowing seven weeks—equivalent to thirty-five school-days—in Spring-time, and seven weeks more in Autumn, for those agricultural preoccupations, we have a residue of only 150 available school-days. Now, would that period be ample for all the purposes of a primary education? Abundantly so. The next question which naturally suggests itself is:—Would it be expedient to force parents to send children to school for at least this period of 150 days in the year?

Compulsory education is nothing new. It had its origin in the Thirty Years' War of Germany, when perturbations and troubles so overwhelmed the civil life of the people that heroic measures had to be invoked to rehabilitate society. The law

of compulsory education was resorted to in Gotha, in 1643. In 1699 it was enforced in Prussia. Every form of government has adopted it. Even the democratic Switzerland has made it a principle of public education. It was slow in its approach to the British Isles.

Mr. Forster, however, in his great Education Act of 1870, espoused it, in a modified form, for England. And it was applied, under strong and efficient conditions, to Scotland by the Education Act of 1872. The Elementary Education Act of 1880 goes far to make the law of compulsory education in England still more extensive in its application.

If the people sent their children regularly to school, compulsory legislation would, of course, be unnecessary. At one time, I trusted so implicitly in the determination of the Irish people to educate their children that I declined to believe it necessary to introduce compulsory laws. But years are passing so rapidly, school attendance is still so incomplete and irregular, and the opinion of nearly every leading person whom I have consulted upon the question is so strongly in favour of some measure of compulsion, that at last I feel myself constrained to accept the principle—subject to the limitations which I have been indicating. The measure should, of course, be most carefully constructed, so as not to be hard upon the poor, and, above all, so as not to invade, to the extent of a hair's breadth, the sacred domain of conscience. It might be provided that—

(*a*) Wherever there was a public school within a distance of two miles, a parent should be bound, under a stated penalty, to send his children, from six to thirteen years of age, to school for at least 150 days in each year;

(*b*) That any parent who, in the month of January, made a statutable declaration that within two miles of his residence there was no school to which on conscientious grounds—religious grounds—he could send his children, should, until the 31st of the following December, be dispensed from the obligations of the Act, unless, in the meantime, a school to which the declaration did not apply were established within the prescribed distance.

There are so many local agencies of an official character available in Ireland, that the administration of the Act would present no serious difficulty.

For reasons which it is unnecessary to detail, the English machinery of School-Attendance Committees for carrying out the compulsory law would, in my opinion, be impracticable in Ireland.

The fines inflicted upon negligent parents should be allocated to the teachers of the schools which the truant children might conscientiously have attended. At all events, they should be applied to strictly educational purposes.

A dissatisfying phase of this question of compulsory education is that its operation ceases when the child's foot is barely placed on the first rung of the ladder of real education. It is precisely when the rudimentary education ends at thirteen or fourteen that some effort should be made to induce youths to cultivate how to become readers and students, how to observe the phenomena of nature, and how to recognise the application of science to their trades and callings. In Saxony, it is provided that after boys have left the ordinary school at the age of fourteen, they are required to attend Fortbildungsschulen (schools for further development), for four or six hours weekly, with a view of supplementing the education of the ordinary schools, and of applying the new instruction chiefly to the requirements of their respective avocations. A few years ago, I found that at Dresden these schools assembled on Wednesday afternoons. Their institution is an admirable conception. Not only does it tend to cultivate a retention of the ordinary school course at a period in a boy's lifetime when he is prone to forget it; but it paves the way for the habit of self-culture—a habit which, in after-life, will be absolutely inestimable to him. For the last six years, this system has been working satisfactorily in Saxony. I should like to see it, in a modified form, introduced into Ireland, not as a compulsory provision (for the less tension we apply to the compulsory system, the more likely, in this country, is the system to succeed), but as a voluntary arrangement on the part of teachers and pupils. In an address upon popular education, it is not, I hope, irrelevant to say a brief word on behalf of the adolescent class—the young apprentice and the young labourer, the class most subject to moral and social disaster, and, unhappily, the most neglected in the whole round of human economy; and I trust that it is not unfitting to commend this large and important class to your serious and benevolent consideration.

In conclusion, I have to thank you for your great forbearance in listening so patiently to me. It was not without considerable misgiving that I hoped to interest you in a review of Irish Popular Education. A theme the treatment of which, in its early chapters, might admit of a brighter rendering would, doubtless, have been more attractive to you, as it certainly would have been more grateful to myself. But if, in nervous phrases, I have had to depict the dark episodes of Irish Educa-

tion in bygone centuries, I have happily been able to brighten my narrative with thoughts suggestive of the originality of De la Salle, the benevolence of Franké, the enthusiasm of Lancaster, the ardour of Wyse, and the persistency of Brougham; thoughts that I cannot dissociate from a name which I have reserved for my last word and my largest tribute—the name of the great Irishman who, with a patriotism as pure as that of Grattan, and a sagacity as marvellous as that of Burke, for thirty-two years, through shade and through sunshine, through storm and through calm, stood at the helm of the good ship 'Irish National Education,' and finally anchored her in prosperous waters: need I say that I refer to him who was Resident Commissioner from 1839 to 1871, the late Sir Alexander Macdonnell?

Address

ON

HEALTH.

BY

CHARLES CAMERON, M.D., LL.D., M.P.

THERE never has been a period since the days of Æsculapius during which so much has been accomplished to entitle medicine to take a place among the exact sciences as within the last ten or fifteen years. Up to that period we knew diseases only as groups of effects. Of their causes we had no certain knowledge. In dealing with the various maladies, the physician dealt only with their symptoms; and unless by accident—as in the use of quinine against malarial fevers—he failed to direct his remedy against the real hidden cause of the complaint. As the methods of research adopted became stricter and more systematic a mass of information was accumulated, pointing generally in one direction, and enabling more accurate hypotheses to be framed; but although for years past what is termed the germ theory of disease has been generally accepted among scientific men, it is only recently that the organisms themselves have been identified, and it is only within a period to be reckoned by months rather than by years that their habits have been so exposed to us that it is already in our power in many cases to isolate them from the living body and cultivate them in artificial soils,—to multiply, destroy, modify, weaken, or intensify them at pleasure. If, then, as is obvious, a correct knowledge of the nature and tactics of the foes we have to contend against, in our battle with those maladies which sap the health and life of mankind, is essential to the waging of successful war against them, there never has been a time when the physician could look forward with so much certainty as now to a speedy solution of many problems hitherto deemed inscrutable; or the man of science could

anticipate with so much hope the possibility of triumph, not merely over individual cases, but over whole genera of disease.

I have therefore thought that I could not choose a more opportune theme for the address which, as President of the Health Department of this Association, I am called upon to deliver, than the light cast by recent discoveries upon the nature of virulent and infectious maladies, the practical account to which those discoveries have already been turned, and one or two lessons which they suggest in connection with the preservation of the public health.

The first idea to be grasped is that specific diseases are like specific forms of animal or vegetable life—they can be produced only by specific pre-existing germs or seeds. There is no such thing as spontaneous generation of the entities which cause disease, any more than there is of the innumerable forms of animal and vegetable life which make their appearance wherever a material suitable for their development is exposed to the atmosphere.

We know that the air is full of floating living particles, ready to spring into activity whenever they may light upon a congenial soil. We know that in such numbers do they in many cases exist, that present but the proper soil, and the appropriate germ inevitably finds its way to it. We know, on the other hand, that but filter the air, purify it from such germs, and without their intervention no form of life can arise. It has long been suspected that the same was the case with certain specific diseases, especially with what are known as zymotic diseases. It has long been considered probable that the symptoms which constitute each particular malady were due to the invasion of the system by some microscopic organism which, multiplying itself within the living body, gave rise to the phenomena and constitutional disturbance which physicians described as the disease. It has now been proved that this is so in a number of diseases where such an origin was never suspected, so much so that it may be taken as an axiom of medical science at the present moment that it is the case in every contagious and infectious disease, as well as in a number of diseases whose communicability is so masked that up to the present it has been generally believed not to exist. Nay, even certain diseased conditions, which—as in the case of wounds—were so universal that the fact of their being other than normal was formerly never dreamt of, have been proved to be due to the same cause, viz. an invasion of the body from without by living organisms. It is one of the most remarkable features of the chain of discoveries of which I speak that it is precisely

in such a case that Professor Lister's great practical application of a principle which, at the time of its enunciation, could be arrived at only by a process of reasoning based on apparently remote analogy, proved that the deadly constitutional disturbance which was previously regarded as the natural consequence of every serious wound or surgical operation was really as much dependent on the introduction of air-carried germs of living organisms as was the appearance of those lower forms of life in the animal or vegetable infusions to which I have referred; and that if these germs were but excluded, the healing of wounds—however serious—would be accomplished by the promptest and simplest of processes—processes previously known occasionally to occur, but so rarely that they were regarded as mere eccentricities of Nature, while their reverse was looked upon as her rule.

Now, it is a remarkable illustration of the impossibility of foreseeing to what results any scientific investigation or discovery may lead, that the great advance recently made in our knowledge as to the causation of disease is to be traced to a very large extent to certain investigations made by a French chemist, M. Pasteur, with regard to fermentation. These researches were undertaken with the view of enabling the French wine-grower to avoid those losses to which he was exposed from the want of means of controlling the ferments on which the change of the grape-juice into wine depends. These ferments, as every one knows, consist of microscopic vegetable organisms which develop in the pressed grape. They owe their appearance there to existing germs, borne by the air, which find in the wine-must a fitting soil for their development. From local circumstances, from the accident of a wet or dry, a hot or cold season, the grape-juice exposed to fermentation possesses different constitutions. The ferment spores which make their way to it are not homogeneous, and according to the nature of the medium in which they find themselves they develop what from the wine-grower's point of view is regarded as a healthy or unhealthy fermentation, and give rise to a sound or a diseased wine. To control, then, these diseases of wines was the object of M. Pasteur's researches, the result of which has been to throw a flood of light upon the real nature of disease.

In the first place, it was facts elicited in the course of M. Pasteur's investigations on fermentation that first suggested to Lister the theory on which his method is based. Up to that time—now some fifteen years ago—it was known to the surgeon that the gravest laceration of tissue might occur under

an unbroken skin without any danger of suppuration, but that if the skin were broken and the lacerated tissues brought into contact with the air, suppurative action, attended with great constitutional disturbance, was the dangerous and—it was believed—the inevitable consequence. The same difference was recognised with regard to wounds made in surgical operations, which were known to be almost certainly followed by suppuration if they were external, while the reverse was the case when it could be so contrived that the air should not reach them. Taking Pasteur's researches regarding fermentation and the allied subject of spontaneous generation in connection with these facts, Lister asked himself whether this difference might not be due to the disturbing fermentative action of invisible organisms borne to the surface of the wound by the atmosphere. If so, if these could be destroyed suppuration would be averted, and the fracture where the bone had pierced the skin might be repaired as easily as that where the skin remained intact; the incision made in amputating a limb would give rise to as little constitutional disturbance and would heal as readily as the internal cut which had been so contrived by the surgeon that no air could find access to it. The experiment was made. By careful use of carbolic acid the air-borne germs were destroyed, and the results followed for which Lister had ventured to hope.

Now, although Mr. Lister's discovery has revolutionised surgery throughout the world, and has made his name familiar in every country in Europe, there have been sceptics who object that if there were any truth in the theory these air-borne germs should settle and multiply themselves in every cut, and that the danger from the most trifling incision should be as great as it is from the most serious. I mention this simply for the purpose of bringing out a most important fact in connection with the micro-organisms to which these germs give rise—without which, indeed, the higher forms of animals which they infest must speedily succumb before their attacks. If their invasion is undertaken in insufficient force, or upon an animal in sufficiently robust health, they are refused a foothold, and expelled; or if they have secured a lodgment in the tissues, they are, so to speak, laid hold of and digested by them. This is not a mere theoretical assertion. The fact has been repeatedly observed and demonstrated with respect to organisms which give rise to various diseases.

For many years microscopists have been aware of the existence of apparently independent living organisms in the blood and tissues of animals suffering from various diseases,

but of their nature, and of their relation to the disease, or whether in fact they had anything to do with it, little or nothing was known. The first systematic investigation into the subject attended with striking practical results may be said to be that undertaken by M. Pasteur into what was known as the disease of silkworms. In 1853 the quantity of silk produced in France had reached some 26,000 tons, a tenth of the produce of the whole world. In 1854 a falling off commenced, and this progressed so rapidly that in 1865 the crop was less than one-fifth of the amount I have named. This result was due to a disease which had appeared among the silkworms, and which threatened rapidly to extinguish one of the most important industries of France. At this juncture the French Minister of Agriculture commissioned M. Pasteur, whose researches concerning the process of fermentation had been attended with such remarkable results, to undertake an investigation into the malady which was destroying the silkworm. The result was, as he had shown the wine-grower how noxious fermentation might be guarded against, so now he showed the silk producer how the silkworm could be regenerated and the disease stamped out. Previous observers had noticed in the juices of diseased silkworms tiny microscopic corpuscles, but of their nature, or the *rôle* which they played in the disease, nothing definite was known. To these M. Pasteur directed his attention. He soon ascertained that they were living organisms, which, multiplying themselves in the silkworm's body, constituted the real cause of the malady. By watching their development M. Pasteur made this important discovery, that they take a considerable time to spread within the insect's tissues to such an extent as to do very much mischief. If a healthy larva was not infected until it had completed a portion of its existence, the ravages of the disease had made comparatively little progress when it entered into the chrysalis stage. It spun an excellent cocoon, and for the purposes of the silk-spinner was as valuable as its healthy neighbour. If, however, it were reserved for the production of eggs, the corpuscle had by the time it became a butterfly made such progress within its body, that it had penetrated even into the eggs it produced, and a greater or smaller proportion of these contained corpuscles. The silkworm which issued from an infected egg inevitably died before it could produce silk. But M. Pasteur observed that even among the eggs produced by the most infected butterfly a certain proportion were sound. Here, then, was a fact which, properly utilised, might enable him to restore to health the valuable

indigenous breed of the insect. For it must be remembered that although, by the expedient of procuring his eggs from uninfected countries, the French silk-grower might to a certain extent maintain his crop, he did so only by abandoning a race which by careful cultivation had been brought to a great state of perfection, and resorting to another in every respect its inferior. Availing himself, therefore, of the fact that if even a small percentage of the eggs were undiseased their offspring would, if their health could be preserved, suffice for the establishment of a regenerated and healthy race, M. Pasteur devised a system whereby each silkworm was reared by itself under careful observation, and in conditions which would ensure the healthy insects against infection. The eggs of those that retained their health to the last—of insects which after they had laid their eggs the microscope showed to be free from the disease—were found to produce a perfectly healthy race. By breeding only from such stock, by avoiding conditions favourable to the production of the disease from germs which might find their way from without, M. Pasteur showed that in a short time it would be possible to regenerate the race and entirely to stamp out the disease. He showed, too, how, when circumstances did not admit of such elaborate precautions, a seed might be secured which, if not absolutely free from the disease, would still afford a very satisfactory crop. By a series of striking demonstrations he converted the silk-grower to his views, and his services obtained the recognition not only of his own but of foreign Governments.

It is thirty years since Dr. Davaine discovered that in the splenic fever of sheep and cattle—a terribly fatal disease, which Continental writers identify as the plague sent upon the cattle of Egypt—a tiny microscopic organism, measuring the fraction of a thousandth part of an inch, was to be found in the blood; and subsequent researches induced him to believe that this was the true cause of that disease. As time passed, other microscopic beings were discovered in the blood and tissues in other diseases. I will not trouble you with any attempt to describe the differences which these organisms present, for subsequent experience has shown that the most deadly may be undistinguishable from the most harmless by any detectable physical peculiarity. Like many of the lowest forms of vegetation, they exhibit movements when viewed under the microscope, and multiply themselves with extraordinary rapidity, in certain circumstances by budding or subdivision like the yeast plant, and in others by the production of germs or spores. In 1868, while M. Pasteur was engaged in his

researches on the silkworm disease, M. Chauveau, a distinguished veterinary surgeon of Lyons, proved that the activity of every form of infectious virus was due not to its solid or gaseous constituents, but to organised particles which it contained. In 1876, Dr. Koch, a German physician, succeeded in isolating the little rod-like organism or bacterium which gave rise to the splenic fever of which I have spoken, and in cultivating it outside the animal body. In this he only repeated what M. Pasteur had long before done in the case of ferments, when—in order to study their action uncomplicated by the effects of the media in which they were ordinarily found—he had devised the method of cultivating them in inorganic solutions containing the elements necessary for their growth. But Dr. Koch's success was of immense scientific importance, for whereas it had before been impossible satisfactorily to observe the development and peculiarities of any of these organisms, or even to prove beyond possibility of cavil that it was they, and not the organic media in which they were found, which when inoculated on other animals gave rise to the disease, it now became practicable to remove them from all possible contamination, and to prove that this or that organism was really the cause of this or that malady. Dr. Koch's discovery was rapidly followed up by that of Dr. Klein, an eminent German physiologist resident in London, who showed by methods similar to those adopted by Koch, that the disease known as pig typhoid or pig plague was also the result of a microscopic organism which he succeeded in cultivating; and about two years ago M. Toussaint, a veterinary surgeon of Toulouse, to whom I shall frequently again have occasion to refer, achieved a like success with the bacterium of fowl cholera. I may say in passing that this is a disease in no respect resembling cholera, but from the circumstance of its having ravaged the poultry yards of France coincidently with an epidemic of human cholera, it acquired that unfortunate title. M. Pasteur had been engaged for some time, at the instance of the French Government, investigating the causes of the splenic fever which annually wrought such havoc among the flocks and herds of France, and the result of Toussaint's discovery naturally directed his attention to a disease presenting peculiar facilities for experiment, and possessing this feature in common with the splenic fever of cattle, that it had been proved to be of similar parasitic origin. Having once brought to bear upon this fowl cholera, then, his extraordinary scientific instincts and great experience, M. Pasteur was able in February of last year to announce to the French Academy

of Sciences a series of discoveries, which, followed up as they have been by himself and others, have completely revolutionised our ideas of the nature of diseases and the proper methods of dealing with them. Within little more than a year and a half—thanks to the enterprise and emulation of French investigators—a new Romance World of Contagions has been opened up, peopled with innumerable microscopic races, which every week shows to be more and more susceptible to human domination and control, but many of which are—till tamed by science—so fatal to mankind that the slightest carelessness on the part of the experimenter, the accident of a scratch on the hand, might any day entail upon him a rapid and appalling death.

But to return to the bacterium of fowl cholera. The vehicle of cultivation employed by Toussaint not proving satisfactory, M. Pasteur's first care was to find a more congenial medium, and this he soon discovered in chicken soup. If the point of a needle be dipped in the blood of a fowl suffering from chicken cholera, and then placed in a vessel containing pure chicken soup, from which care has been taken to exclude all contamination by air-borne germs, and a suitable temperature be maintained, the bacterium or microbe—as M. Pasteur terms it and cognate organisms—multiplies itself exceedingly, rendering the liquid turbid by its presence. If, after this process has gone on for some days, a drop of the contents of this vessel be transferred to another portion of similar chicken soup, it, too, speedily becomes permeated with the organism. The process may be repeated a hundred times, and the result inoculated upon fowls, or given them in their food, will produce the same fatal effects. But if, instead of carrying on these fresh cultivations at intervals of a few days, you allow the infected chicken soup to lie over for a few weeks or months, Pasteur discovered that an extraordinary change occurs. The malignant powers of the bacterium diminish; it becomes, so to speak, tamed, or, as he terms it, 'attenuated.' A given quantity of infected chicken broth, even at the hundredth rapid cultivation, inoculated upon twenty chickens, would, let us say, prove fatal to eighteen of them. If the same infusion were allowed to remain exposed to the oxygen of the air for a month, it would be so far attenuated that it would only prove fatal, say, to ten. Exposure for another month would render it still less virulent, so that it would only prove fatal to two or three; while after exposure for six or eight months it would not prove fatal in a single instance. But does it still retain any active power?

and if so, what relation does it manifest to the original disease? In its most attenuated form the bacterium gives rise only to trifling local symptoms, not at first recognisable as bearing any affinity to the deadly fowl cholera, and consisting of a small local slough. But the extraordinary and valuable fact discovered by M. Pasteur is that the tamed and attenuated organism works upon the system a change protective against subsequent attacks of fowl cholera, exactly similar to that which had been remarked to be enjoyed by fowl that had recovered from the virulent form of the disease.

Here, then, is a result exactly analogous to that experienced in the protection exercised by vaccination with cow-pox against subsequent attacks of small-pox, only in the one case the protective virus has been elaborated in the laboratory of nature, in the other in that of art.

Time will not permit me to do more than allude to a few of the many curious and interesting features elicited in M. Pasteur's research as to the life-history of this parasite. It is rapidly fatal to fowls or rabbits, but turkeys and guinea-pigs resist its effects, and in these it gives rise simply to localised abscesses. If in the course of its attenuation a series of rapid cultivations be made from a stock of any particular strength, the produce retains the same strength. If the stock killed ten fowls in every hundred, its progeny will continue to kill the same proportion. If it has been attenuated below the fatal point, the stock derived from it continues to present the same benignity of character. One most important fact elicited is this, that, altogether contrary to what one would expect, the most virulent organism is to be found, not in the ordinary rapidly fatal cases where the fowl dies in the course of a few days, but in a much rarer form of the disease, where the bird lingers for weeks or months. Then the microbe acquires such virulence that the fraction of a drop of blood charged with it inoculated on a score of hens will kill every one of them within four-and-twenty hours. And yet even this doubly poisonous species of the organism can be reduced to a harmless vaccine by artificial cultivation, and between its most and least deadly forms the microscope does not enable us to detect the smallest difference.

What is the theory of the protection which this new vaccination affords? I will not enter into the details of the theories which have been advanced; suffice it to say that the world has long been familiar with the fact that one occurrence of a certain disease—such as small-pox, measles, scarlatina, typhus, &c.—in an individual, effects a change in the constitution which,

except in very rare instances, is protective against any recurrence of the same complaint. Recent discoveries prove that in certain instances a similar change is effected by diseases not identical with those against which they protect. Thus, Pasteur has found that inoculation with fowl cholera renders at least one class of animals refractory against subsequent inoculation with splenic fever, although the organisms which give rise to the two diseases are entirely distinct. But in the course of his researches into the mechanism of the protection thus conferred, M. Pasteur discovered a very curious and interesting fact. One of the most prominent symptoms of ordinary fowl cholera is an irresistible drowsiness which overcomes the fowl attacked. It lies down, falls asleep, and is with difficulty awakened, only to sleep again until finally death overtakes it. Well, M. Pasteur, in the course of his researches, filtered some chicken broth in which the disease-organism had been cultivated, so as to free it from all traces of it, and injected the liquid into the circulation of healthy fowls. After a short time they exhibited the same symptoms of overpowering sleepiness, and that whether they had been rendered proof against the disease by previous inoculation or not; but instead of dying, after four or five hours the symptoms passed off, and they were restored to perfect health. This proves that, in the course of its development, the organism of fowl cholera by a fermentative action gives rise to a narcotic poison which occasions this symptom, a symptom which masks the essential phenomena of the disease, but which can be altogether separated from it, and is only indirectly incidental to it. In the typhus fever of man a similar symptom is constantly noted, and the question naturally presents itself, Is it produced in a similar way? Here is a curious fact bearing on the point. In Senegal the natives are subject to a terrible disease known among them as *nelavan*. The disease takes eighteen months or two years to run its course. It is attended with acute pain, stiffness of the limbs, glandular abscesses, and notably with constant drowsiness, the sleep being heavy and accompanied with terrible dreams. The patient preserves his appetite to the last, but often loses his reason, and invariably dies. A French missionary in Senegal addressed a communication on the subject to M. Déclat, a French physician and an ardent disciple of Pasteur's, who, suspecting in the disease a parasitic origin, recommended the missionary to try a treatment having for its object the destruction of the organism—its probable cause—by the injection into the circulation of phenic acid. The experiment was made in several cases, notably in one where

the patient was in so advanced a stage of the disease that the missionary was only induced to try the treatment by reflecting that if it did no good it could do no possible harm; and in every instance the result was success. The organism was killed and the patient recovered.

Turning now to the *Bacillus anthracis*, the organism which gives rise to splenic fever in cattle, M. Pasteur found that it, too, could be cultivated in chicken broth. In its case, however, a preliminary difficulty was experienced. The class of organisms to which the Bacillus belongs multiply themselves in two ways—by subdivision of their cells into other cells, which rapidly attain the dimensions of the standard cells; and secondly, by a process analogous to that of flowering in the higher classes of plants, resulting in the production of spores or seeds. In the organism which gives rise to the potato disease, for example, and in many other cases, the cells throughout the summer spread and multiply themselves within the tissues of the invaded plant by subdivision; but on the approach of winter they make their way to its surface, and there go through a process analogous to flowering, which results in the production of spores or germs extremely tenacious of life, and which, like the seed of the higher plants or the eggs of insects, are unaffected by frost, and ready at any moment under favourable circumstances to spring into active life. So tenacious of life are these spores in the case of the Bacillus of splenic fever, that M. Pasteur has found them in full vitality in pits in which oxen and sheep that had died of the disease had been buried for ten years. He has proved, too, that when thus buried, swallowed by earthworms in the soil from which these derive their nourishment, they are brought by them to the surface, and may thus give rise to fresh outbreaks of the disease. He found that this was the case in an instance where a bullock had been buried in a pit over six feet deep. His proofs were absolutely conclusive. He placed sheep on the ground, and they took the disease. He separated the Bacillus germs from the earth by washing it, and multiplying them by cultivation, found that by inoculation they produced the disease. He found them especially in the casts brought to the surface by earthworms, and in the contents of their digestive organs; and he found, further, that in districts where the soil was of such a nature that earthworms were rare, the disease when accidentally imported was not found to spread.

Here is an anecdote which curiously illustrates how scientific discoveries may come about.

In 1865, Baron Seebach was Saxon Minister at Paris.

Having suffered severely from splenic fever on his estate, he took great interest in the subject, and had evidently conversed with the French Minister of Agriculture respecting it. The result was that he was asked to detail his experiences in a memorandum. That memorandum the French Minister placed in M. Pasteur's hands, and it seems to have given him the clue to the manner in which the disease is spread. It has recently been published. In it the Baron narrates various circumstances which had induced him to think that his enormous losses from splenic fever were due to the propagation of the disease from the graves of dead animals; but what confirmed him in his suspicions was this: a sheep that had died of the disease had been buried in the corner of a field on which a crop of corn had subsequently been grown, and which the following year was sown with clover. The attention of the Baron had been accidentally directed to the place at the time, and one day in passing he remarked that the clover had grown with exceptional luxuriance over the spot. A few days later he noticed that some one had stolen the clover which grew at that corner of the field. The next day a woman on his property came to him weeping, to tell him that her goat had just died, and her cow was very ill. The disease was found to be splenic fever, and the woman confessed that it was she who had stolen the clover, and given it to the unfortunate goat and cow.

But to return to M. Pasteur, and his experiments in cultivating the Bacillus of this disease. He was not the man to allow himself to be foiled by the perversity with which this organism insisted, when artificially cultivated, on running to spores. He found that, by maintaining his chicken broth at a temperature of about 110° F., he could prevent spores from being developed, and induce the organism to multiply itself by subdivision like its congener in fowl cholera. He found that when this was accomplished, precisely the same results followed exposure to the atmosphere as had followed in the other case, but with much greater rapidity; that the organism could be tamed, that a virus could be produced of any desired degree of attenuation, and that when it was sufficiently attenuated, inoculated upon sheep or cattle, it gave rise only to trifling constitutional results, but at the same time wrought such a change in the system of the animal as protected it against subsequent attacks of splenic fever, just as effectually as was known to be the case when an animal recovered from the natural disease.

The annual losses to France from splenic fever being close on a million sterling, the commercial value of this discovery was too great to allow it long to remain without a public test.

In May last, at Melun, before a number of scientific authorities, fifty sheep were taken, twenty-five inoculated with the attenuated or tamed organism, and ear-marked, and the others left untouched. A fortnight afterwards the whole number were inoculated with splenic fever. On the twenty-five previously inoculated with the attenuated Bacillus, no result followed. As to the others, within fifty hours the whole number were dead of splenic fever. A similar public test, undertaken in July, exhibited precisely similar consequences. Since then many thousands of animals have been inoculated with the attenuated virus, and the commercial results of the experiment will soon speak for themselves.

The practical utility of M. Pasteur's discovery is greatly enhanced by the tendency, to which I have just referred, of the Bacillus of splenic fever to produce spores. The spores produced by the organism at any stage of attenuation give rise to a race presenting the same degree of attenuation, so that once a virus sufficiently attenuated has been obtained, it has only to be allowed to produce spores to secure a vaccine which will keep indefinitely, under any conditions of temperature, and is ready for use whenever required. But M. Pasteur has discovered that not only can this Bacillus be attenuated, but that by a converse process it can be restored to its original virulence and ferocity. This *Bacillus anthracis* appears to be an organism of very cosmopolitan taste, so far as Mammalia are concerned; for though it is chiefly known to us as infesting cattle and sheep, it also, when accidentally inoculated on man, gives rise to that terrible disease known as malignant pustule. It lies hid in the condition of spores, in hair of horses and the wool of sheep that have died of the disease, and finding its way along with other dust to the lungs of the people who handle them, occasions another terrible malady, known as Hairworker's or Woolsorter's Disease—and it particularly affects the class of Rodentia. In them this Bacillus appears to find a most congenial home, and in them it flourishes with a deadliness peculiarly characteristic. Now, M. Pasteur discovered that if the attenuated Bacillus—the organism tamed through long cultivation in oxygen—be cultivated through a succession of young guinea-pigs, it will speedily reacquire all its original virulence. That this is not an isolated fact in the history of such organisms is shown by the circumstance that a similar recrudescence can be effected in the case of the virus of fowl cholera, by repeated cultivations of the attenuated organism on small birds, such as sparrows, to which it proves fatal long after it has ceased to be capable of destroying the life of fowls.

Time presses, and I shall only refer to one other curious discovery made in the course of M. Pasteur's investigation. I relate it because it seems to cast some light on the success which has attended the treatment of certain fevers to which mankind is subject, by cold affusions. M. Pasteur discovered that if you introduce the bacillus of splenic fever into the circulation of the fowl, under ordinary circumstances it produces no result. The temperature of the fowl's body appears to prevent its multiplication in the system. Cool down that temperature, however, by placing the fowl in water, and repeat the operation, and the disease at once manifests itself. Let the temperature rise, the organism perishes, and the fowl revives. And here I shall for the present leave M. Pasteur, and briefly recapitulate the results obtained—most of them, be it remembered, within the last few months—by other labourers in the same field.

There is another disease of cattle equally fatal in its results with splenic fever, but distinct from it, and known amongst French veterinarians as *charbon symptomatique*, or, from the name of the author who first described it, *la maladie de Chabert*. Now M. Chauveau—to whose researches I have before referred—had proved that very different results followed on the introduction of certain morbid viruses into the animal system, according as they are carried right into the blood by injection into a vein, or simply introduced into the tissues outside the circulation. More recently, in investigating the strange resistance displayed by Algerian sheep to the power of splenic fever, M. Chauveau found that it could be overcome by the introduction of large amounts of the specific organism into the system. By carefully limiting the number of bacilli introduced, however, he found he could give rise to a trivial infection, which increased the natural resistance of the animal to subsequent experimental inoculation with the disease. Working on the lines thus disclosed, three young veterinary surgeons of Lyons, MM. Arloing, Cornevin, and Thomas, discovered that if the micro-organism which gives rise to the *maladie de Chabert*, and which can also be artificially cultivated, be injected in carefully graduated doses into the torrent of the blood, so that the tissues shall not be contaminated, it gives rise to but very trifling constitutional disturbance, but at the same time produces a change in the system of the animal which effectually protects it against subsequent attacks of the disease. The matter was publicly tested at Lyons in June last. The virus of the *maladie de Chabert* was inoculated on one ram, four calves, and a ewe. The ram which had not

been treated by the process died in two days. None of the other animals which had been subjected to it suffered any inconvenience. They had been vaccinated—to use the word in its extended sense—at periods ranging from fourteen months to a fortnight previously, all except one, a calf about a fortnight old that had never been vaccinated itself, but whose mother had been subjected to the operation some time before its birth. M. Arloing and his colleagues have now reduced their method to a system, which, they state, renders accidents impossible, and it too the French Government are now engaged in testing on a large commercial scale.

Let us now turn to another disease, which is probably the last in the world that you would suspect of being due to a parasitic organism—rabies, or hydrophobia. M. Pasteur has been working at it for some time past, and he has made some extraordinary discoveries. Among other things he has found that the saliva of a boy who died of that disease contained organisms which could be cultivated artificially, and that the result inoculated on rabbits produced a disease which proved fatal with startling rapidity, but was quite distinct in its symptoms from any known form of hydrophobia. M. Pasteur considers this to be a new and distinct disease, but as yet no practical result of his investigations has been published. Meanwhile M. Galtier, another veterinary surgeon of Lyons, who for years past has made a special study of rabies, adopting a hint from the result of the investigation of his colleagues with respect to the *maladie de Chabert*, tried the effect of introducing the virus of hydrophobia into the torrent of the blood by injecting it into the veins of a number of sheep and goats. To his delight he found that the same results followed the practice which had attended it in the *maladie de Chabert*. Animals which received the virus directly into their circulation not only did not suffer the least inconvenience from it, but when subsequently exposed to repeated inoculations of hydrophobic virus it produced on them no effect, while unprotected animals subjected to the same test invariably succumbed to the disease. Hydrophobia communicated in the ordinary way is generally a long time before it takes a hold upon the system, and M. Galtier is at present endeavouring to ascertain whether by stepping in with his intravenous inoculation in animals which have been bitten by rabid dogs he cannot anticipate and neutralise the natural development of the disease, as we can the slower development of small-pox infection by the more rapid action of vaccine lymph.

Another disease, which until within the last few years was

in this country believed to be absolutely non-contagious, is consumption, and yet it and the whole class of tubercular diseases to which it belongs have been proved to be eminently infectious. They have been transmitted from man to the lower animals, and from one lower animal to another. For some time back M. Toussaint has been engaged in investigating the subject. He tells us that a large number of the cattle sent to the slaughterhouse in France suffer from the disease, and that the presence of tubercles in their lungs is not considered to render them unfit for human food; and I believe that the position of Great Britain in both these respects will be found precisely similar to that of France. He found that by feeding pigs with the lungs of such animals he produced tubercular disease in them. He found by direct experiment that the virus of the disease pervaded the nasal mucus and saliva, and that inoculation with either of these would reproduce it. In this manner he accounts for the spread of tuberculosis among pigs and cattle feeding from a common trough, and he assures us that according to his observations no contagious malady possesses a greater virulence. He found, further, that the juices of the muscles were permeated with the infection, and that they too were effective for the propagation of the disease. Further, within the last few weeks M. Toussaint has announced to the French Academy of Sciences that he had succeeded in isolating and cultivating the microscopic organism which gives rise to tuberculosis, and after a series of cultivations in animal soups had reproduced tuberculosis with it on other animals. The important fact in connection with the organism is that it can stand a high degree of heat without perishing, M. Toussaint having succeeded in inoculating the malady from juice expressed from the steak of a tubercular ox cooked so as to be but slightly underdone. If this be true, it affords us a certainty of at least being able to limit the ravages of human tubercular disease by directing our attention to what must be a most fruitful source of infection, namely, the sale of diseased meat. It does more. The first step towards success in dealing with a disease is a knowledge of its exact nature, and that in the case of consumption and the whole class of tubercular maladies has at length been achieved.

I might add various other diseases to the catalogue of those in which micro-organisms have within a very recent period been isolated, and shown by proof more or less conclusive to be the potential cause of maladies in many of which their intervention was never suspected; but I shall confine myself to

a single instance, illustrating quite another class of disease from those previously mentioned, which recent discoveries have proved to be due to a similar parasitic origin. I refer to ague. Ague has long been known to be associated with exposure to exhalations from marshy ground. Of late years it has been known that a microscopic organism—also a Bacillus—was to be found in the blood of persons afflicted with the disease. Within the last couple of years Dr. Klebs, a German, who has done much work in this field, and Dr. Tomassi Crudelli, an Italian *savant* associated with him in the investigation, discovered that by treating with water the soil of a fever-haunted marsh of the Campagna the germs of an organism which flourished in the soil could be washed out, that germs of this organism floated—though in much smaller numbers—in the air which rested on the marsh; that by shaking it up with water they too might be washed out, and that by repeating the operation again and again an appreciable number of them might be collected from the air. Water suspending the organisms thus obtained, introduced into the circulation of a dog, produced ague more or less rapidly and more or less violent according to the numbers in which the Bacilli were present. This not only explains the nature of the danger encountered by persons exposed to emanations from marshy ground, but it shows why intermittent fevers so frequently manifest a new activity after operations involving a disturbance of the soil, and it further renders apparent why it is that quinine, which is known to kill such organisms, is so invaluable a remedy and preventive against the effects of exposure to swampy malaria.

But *cui bono*? you may ask; of what advantage is all this knowledge when, without possessing it, quinine has for years been known to be the appropriate remedy? In many forms of malarial fever the poison is too virulent and the course of the disease too rapid for quinine to be of any use. It is as with infection with the most active form of the organism of chicken cholera, or large doses of the Bacillus of splenic fever; the effects are too immediate and too terrible for routine medicine to be of any avail. But guided by exact knowledge you can go straight at the source of the mischief. With this object Dr. Déclat, to whom I have before referred, suggested the vigorous use of phenic acid, by injection into the veins and otherwise, as a means likely to prove effective against the organisms of yellow fever and kindred acute forms of malarial poisoning. The suggestion went out to Brazil, and in June last M. de Lacaille, a French physician resident in Rio, wrote home his experience of it. The first case on which he tried it was

a young lady apparently on the point of death from the worst form of the disease, a fever attended with the fatal black vomit. In three days she was out of danger. 'During the thirty years in which I have been employed in fighting yellow fever,' writes M. de Lacaille, 'this is the first patient whom I am certain of having snatched from death at such a period of the disease.' In a dozen other cases the treatment was crowned with equal success, but in most of them, adds M. de Lacaille, 'the cure was so rapid that, notwithstanding my long experience, I have asked myself if they could really have been yellow fever. Called in at the period of incubation the triumph is easy.'

Did time permit, I might quote other instances in which within the last few months the specific organisms which constitute the potential cause of diseases of mankind and the lower animals have been successfully isolated and cultivated in artificial media. I might tell you of the researches of M. Pasteur with regard to boils and puerperal fever. I might describe the important discoveries of M. Talamon with respect to diphtheria—how he has succeeded in isolating and cultivating the organism which occasions it—how he has shown that it can be conveyed from mankind to various domestic animals, and from domestic animals back to man; and how these facts explain many features in the history of diphtheric contagion hitherto inexplicable, and present to preventive medicine a new indication for the limitation of this terrible disease. I might enumerate a whole string of complaints, embracing the most formidable maladies that afflict mankind, in connection with which similar organisms have been identified in the fluids and tissues. I have, however, already trespassed too long upon your patience, and will conclude by briefly referring to two only of the numerous practical points which the history of the brilliant series of discoveries I have very inadequately sketched seems to me to suggest.

In the first place, it teaches in every line the necessity, from the standpoint of public health, of regarding every person suffering from an epidemic or contagious malady as a hotbed swarming with living organisms which cause and spread the disease. So long as these are confined within the body of the individual, the public—selfishly speaking—need not trouble itself, but when the organism begins to be eliminated from the body, when its spores in millions and hundreds of millions are sent forth by the skin or the intestines, then the danger to the community begins. We have seen how tenacious of life these disease-germs are, and we know that in

many cases—as, for example, in small-pox and scarlatina—the stage of the disease at which the process of elimination is most active occurs when the patient is already convalescent. According to our present system it is nobody's business to look after him at this period, and he is sent forth into the community to scatter disease germs by the thousand wherever he goes. We spend enormous sums of money endeavouring to cope with disease when it has broken out. It seems to me we might spend a little, much more profitably, in securing the destruction of its seeds. It should be the duty of the public sanitary authorities to provide convalescent homes for patients recovering from serious infectious diseases, where they might be taken care of until all danger of the propagation of infection by them had ceased. Were this duty attended to, the recent discoveries as to the nature and causation of disease, to my mind, leave not the smallest doubt that we might be spared many epidemics, and that one disease especially—I refer to scarlatina—might be made to show a very different death-tale in our tables of mortality.

In the second place, the whole history of the chain of discoveries which have furnished the topic of this address seems to me to teach the enormous importance of the study of comparative medicine and pathology—of medicine and pathology not in their connection with human diseases alone, but as branches of a science affecting the whole animal and vegetable world. It was, as we have seen, Pasteur's researches on the pathology of ferments which led to Lister's application of his great principle to human surgery, and to the discovery of methods which promise to stamp out some of the most fatal diseases of flocks and herds; it was to Jenner's observation of an eruption of the cow that we are indebted for the discovery of vaccination; and it is their investigations into the diseases of domestic animals that have enabled the veterinary surgeons of France within the last few months to make such preponderating contributions towards the solution of questions vitally affecting not merely those animals, but mankind. The University within whose walls we are now assembled has by the institution of a new degree acknowledged the importance of the study of State Medicine. If she would add to the many services she has already rendered to the cause of science, I would suggest that she could adopt no step of greater practical utility than the institution of a chair of Comparative Medicine and Pathology—a chair the duty of whose incumbent it should be to investigate and expound the most recent knowledge and discoveries as to the diseased conditions of every living

thing, and their bearings or probable bearings upon the diseases of mankind.

However this suggestion may be received, one thing is clear. Unless greater prominence is given to such studies this country can hardly hope to hold her own against her neighbours in the cultivation of medical science. And no greater misfortune could befall the nation. For it is all very well for us here to discuss the administrative phases of public sanitation. Administration, when intelligent and active administration can be secured, is capable of much. There is much which enlightened legislation may still effect. But we must beware, while crying out for fresh enactments and extended powers, not to overlook the fact that throughout the kingdom those powers which the law already provides for the preservation of Public Health are but half enforced. After all, the law in such matters can only follow in the wake of science, and for its effective operation must everywhere depend on the diffusion of correct and exact ideas as to the cause of diseases and the modes of preserving health. Every year's experience, therefore, convinces me more and more that it is to the spread of scientific knowledge rather than to Parliament that we must look for the full development of preventive medicine; that to the physician, rather than the statesman, we must appeal—'To stand between the living and the dead, and stay the plague.'

Address

ON

ECONOMY AND TRADE

BY

GOLDWIN SMITH.

THE proceedings of the Congress were opened by a President who spoke on a wide range of subjects with the highest authority as well as with the utmost grace; and Lord O'Hagan has been followed by three Presidents of Sections entitled to the same deference. I shall avoid a dangerous competition, as far as possible, by the selection of a special theme. I could not hope to interest, much less to instruct, such an audience as this by speaking of events which have occurred, or questions which have arisen here. I may possibly interest, if not instruct, it by speaking briefly—and brief I promise my remarks shall be—of what I have seen and heard on the other side of the Atlantic. Not that the two sides of the Atlantic are any longer aliens to each other. Thanks to the conquests of practical science, and to the unquenchable hopefulness of Cyrus Field, the estranging sea, as Horace calls it, estranges Europe from America no more. Speed and facility of intercommunication, not only unifying the mind of the world, but bringing into far closer partnership than before the producers in all nations, form economically, as well as intellectually and socially, one of the most momentous of the changes with which this eventful age is rife. Would that the happiness of mankind, and the peace, goodwill, and sense of human brotherhood, which are its ordained conditions, were advancing with a step as rapid as the march of science!

Of the various economical questions that which naturally presents itself first to the mind of one speaking in Ireland is

the Land Question. But there is nothing on the other side of the Atlantic at all like the Irish situation; nor shall I be in danger of touching too sensitive a chord. We can hardly be said to have had on the American Continent anything deserving the name of an agrarian movement. With us the landlord and tenant system, as a general rule, does not yet exist. The tiller is also the owner of the soil. The mass of the land, both in the United States and in Canada, is held in freehold farms, seldom exceeding in extent one hundred and sixty acres, which is the measure of the original grants, and about as much as a farmer and his family can till. Hired labour is rare and expensive. There are farms and ranches of immense extent in the new states of the West and in California; but they are in the hands of the owners, who are cultivators on a colossal scale, not let out to tenants, as they would be here. Local controversies and even disturbances we have had. There was what was called, with doubtful accuracy, the Anti-Rent Movement in the State of New York, which was a rising attended with some acts of violence against the payments to the Patroons, as they were styled—the semi-feudal lords of the great Van Renselaer and Schuyler Estates created in the Dutch colonial times. In Prince Edward's Island there was a popular resistance to the insufferable land monopoly of the sixteen grantees, among whom the whole island had been parcelled out by a fantastic assumption of sovereignty over the realms of nature on the part of the British Crown, and in the end the grantees were compelled to accept a compromise. The feudal signiories established by the Bourbon Monarchy in French Canada were also found to be oppressive and were abolished, compensation being awarded to the signiors. But no one of these cases can be said to have presented a real analogy in character, much less in extent, to the conflict between landlord and tenant in Ireland. Agrarianism in a speculative form has indeed found its way from Europe to the other side of the Atlantic, and the controversy has been stimulated by the Irish agitation. Theorists in America have advocated the abolition of private property in land, in which they fancy they have discovered the universal source of pauperism. Their reasonings appear to me to be little more than the old tirades against capital in a new dress, and with a specially irrational limitation to the case of capital invested in land. Facts constantly before our eyes tell us that pauperism springs from a number of causes with which no system of land-ownership has anything to do—from idleness, intem-

perance, disease, changes in the course of trade, which often deprive thousands of their bread, as well as from sheer over-population, the frequent existence of which it is ridiculous to deny, and which, in the absence of popular self-restraint, cannot be prevented by any land system, or anything in the power of Government, from producing its natural effects. There is plenty of pauperism in great commercial cities, such as Venice, or the old Free Cities of Germany, where land-ownership can barely be said to exist, much less to form a factor of importance in the economical condition of the people. There is comparatively little in rural districts of France, where private ownership of land is emphatically the basis of society, but thrift the offspring of proprietorship reigns, and the increase of population is not great. The theorists of whom I speak propose that the State should heal the social disease by a sweeping confiscation of landed property, to be effected under the form of a drastic use of the taxing power, and, as they are careful to add, without compensation to the owners. To confiscate one kind of property is to destroy all. It is to destroy the working man's property in his earnings, as well as the landowner's property in his land. It is to break open the Savings Bank as well as the rich man's coffers. What security can there be for any kind of ownership, great or small, if the State itself turns robber? Supposing even that the system of private property in land were proved to be wrong, the error has been that of the community as a whole; all nations through their Legislatures have sanctioned the system, and pledged their faith in every possible form to those who were laying out their labour and money in that way. If the steps of society are now to be retraced, if the rule is to be changed, common justice requires that this should be done at the expense of the community generally, not at the expense of one particular class. Legislative arbitration between conflicting interests whose differences cannot otherwise be settled, and whose conflict shakes the State, is a different thing from confiscation: it is in itself an evil, because it impairs respect for contracts, the life of commerce and the basis of all prosperity; but when necessary it is moral, and it takes from the nominal owner nothing that he can practically enjoy. Flagrant abuse of proprietary rights may also afford ground for interference, particularly in the case of the land, which is the basis of national existence: owners could not be allowed to indulge their fancies if their fancies were fatal to production; the institution of property was made for man, not man for the institution of

property. But confiscation, in the true sense of the term, must always be an economical blunder, as well as a political crime: it will certainly discourage industry, and therefore it will certainly diminish production. Theorists on the other side of the Atlantic seemed to fancy that the Irish movement was communistic. I ventured to assure them that it was nothing of the kind, and that no one was in fact less of a communist than the Irish farmer; that he was fighting, not against private ownership of land, but to make himself the private owner. I ventured to say that if they approached him with the proposal that his farm should be thrown open to the community or to humanity at large, they would run some risk of being answered with arguments which would penetrate the thickest skull. Private ownership the cause of pauperism! What else has sustained the industry which has made the earth bring forth her fruits? Who would reclaim the wilderness, clear away the forest, pull up the pine stumps, or painfully guide the plough among them, and bear all the hardships of a settler's life, if the land after all was not to be his own? What was it that turned the sands of Belgium into a garden? What is it that has given birth to the inexhaustible wealth of France? That land system must be the best for the whole community which makes the land yield most food. Notoriously, nothing is so stimulating to productive industry as ownership. Agrarian communism would be famine, unless you were to put the whip of the slave-driver into the hands of the Government. Even so, you would never get the harvests which are raised by the French and Belgian landowners.

These extreme theories, however, it is fair to their authors to say, are merely the thoroughgoing expression of tentative and somewhat misty doctrines promulgated by high authorities about the special claims of the State on those whose property happens to consist of land. One illustrious writer suggests that the State might appropriate, not the land itself, but what he terms the unearned increment, that is, everything which is added to the value of the land otherwise than by the exertions of the owner. But the net of this theory will be found on examination to enclose such a multitude of fishes that it breaks. Unearned increment is not peculiar to land. I buy a pair of boots: next day leather goes up: here we have unearned increment. Has the State a right to take toll of my boots? Every judicious investment rises in value, even an investment in literary culture, if the public taste happens to improve. Every kind of property is the subject of unearned increment, and also, be it observed, of unmerited decre-

ment, which no one asks the State to make good. It is argued that in land there are natural elements and forces which no man ought to be suffered to appropriate to himself. There are natural elements and forces in everything; in one's coat or hat, which by this rule might be legislated off one's back or head. It is said that Providence has given the land; Providence gives everything, including the sinews and the brain of man. If the land is common, so must be all its products, and we shall be entitled to repudiate our milk bills because the cow grazes on the field. The people, we are told, have a right to live on the land. Undoubtedly they have; and that they may live on it, and not starve, it ought to be made to bring forth as much food, and food of as good quality, as possible, which can be done only by giving to the industry of the husbandman the incentive of private ownership. Agrarians point to the common ownership of land which prevailed in ancient communities, and relics of which survive in the village communities of the Russians and Hindoos. This was the rule of primæval barbarism to which, when it has been discarded by experience, it would be strange to ask civilisation to return. It does not appear that in regard to production, which is the essential part of the matter, the Russian Mir is a very bright example. But neither the Hindoo village nor the Russian Mir is a real instance of agrarian communism. They are merely instances of joint-stock property in land. Squat upon the land of a village community in the name of the nation or of humanity, and you will be turned off with as little compunction as if you had squatted on the land of an individual proprietor. There is generally supposed to be some mystery, and as agrarians think a mystery of iniquity about rent. Rent is simply what is paid for the use of land. It is not always proportioned to the productiveness of land, as certain definitions assume, but sometimes to other circumstances, such as situation. A piece of land which it would not pay at all to cultivate will bring a high rent if it is so situated that it is capable of being used as a place of recreation for the inhabitants of a great city. It happens that in English there are different names for the hire of land or houses and for the hire of a chattel; but in other languages, Greek for instance, there is no such distinction. That land, by the investment of labour and capital on it, has become productive enough to yield a rent to an owner, besides supporting the cultivator, is apparently no loss to society, but a gain. We see this when the landlord happens to be a public institution. Unfortunately it has happened, partly through the retention of feudal land

laws, that rent has to a great extent been in idle hands. Idle wealth, no matter of what kind it may be, is always an evil both to the possessor and the community. Whether you are a landowner or a fundowner matters not; it is always miserable and ignoble to live in uselessness by the sweat of other men's brows. But the evil can be cured or lessened only by the growth of a higher morality. Agrarian legislation would pluck up the wheat with the tares, for, once more, an attack on any kind of property is an attack on all.

It is true land has in some measure provoked these special attacks. It has used its political power for the purpose of keeping itself surrounded with quasi-feudal privileges, when the mediæval system, military, political, and judicial, had been long defunct. We are feeling the effects of a reaction against feudalism which runs into the extreme of agrarian communism. In time opinion will settle down to the commercial system, which is the best for production and therefore the best for us all. The present legislation, let us hope, is the end of predial status, that relic of an extinct polity, and of all the uncertain relations and slippery claims which that obsolete principle entails.

Mention has been made of the large tracts of land which are in the hands of individual owners in the Western American Continent. Some think that the system is growing, and that it is likely to work not only an economical but a social change. If an economical change is produced, a social and political change will certainly follow; no general law is better known to the student of politics than this. But from what I can learn the tendency, as the country becomes more peopled, is to the parcelling out of great holdings. At all events, we may be sure that the governing principle will be commercial, that the great landowner, if he continues to exist, will be simply a producer of grain on an extended scale, and that nothing like feudal relations or sentiments will spring up on a soil in which feudalism has never been able to take root. Never can primogeniture and entail, or settlement, find their way into the New World. Perhaps, had they been long ago abolished in Ireland, things might not have come to the present pass. Great estates might have been broken up, the number of owners might have been increased, and the strongest of safeguards thereby secured; the Irish estates of noble families might have been separated from their English estates, and there might have been less of the absenteeism and the encumbered and pauperised landlordism, which, after all, are two of the main sources of these evils.

From agrarian communism the transition is natural to

communism of the more general kind. To all the varieties the American climate is unpropitious, because a large proportion of the people are landowners, and almost all either hold property of some sort or hope to hold it before they die. That brilliant bookmaker, the late Mr. Hepworth Dixon, possessed his numerous readers with the belief that communistic societies occupied a large space in the United States. The space which they really occupy is hardly larger than that which was occupied in England by the Agapemone. There have been, I suppose, some thirty or forty of these curious experiments in all. A few of them have been successful in their way; most of them have failed, and among the failures are all those founded on the principle of Owen, which is Socialism proper, as well as the idyllic Utopia organised for a summer day by a group of literary men and women at Brook Farm. The law of success or failure is certain, and is easily discerned. Celibate communities succeed; they are not broken up by the conflict of family interests, and having no children to feed, if they are industrious they grow rich. Thus the Shakers prosper. A celibate association of German enthusiasts in Pennsylvania prospered, and, having become a sort of tontine, was likely to leave its last surviving member a millionaire. The Oneida community prospered while it was celibate and childless; but the union of the sexes having been introduced, though in a strange and revolting way, the community is now breaking up. I visited it some years ago and found its members living very comfortably in their common mansion with all luxuries, and a place of seclusion for those who were practising on the piano, and supported by the revenues derived from their three large factories, in which they employed hired labour of the ordinary kind. It is needless to say that having a large property they had ceased to be desirous of making proselytes. Perhaps a religious character and a prophet who is also a strong ruler, such as Mr. Noyes was in the Oneida community, should be included among the conditions of success. Such eccentricities obviously can throw no light on any social problem. At most they testify to the existence of a yearning for closer fellowship which may hereafter find gratification in other ways. Mormonism is not communistic. Individual industry and private property are its law. Its peculiarity is the despotic rule of the Prophet, who, however coarse his character, however strange his moral aberrations, must be admitted in a purely economical point of view to have been successful, and to have led his people through the wilderness to a land flowing with milk and honey. His followers were to a large extent peasants

nurtured by the most enthusiastic form of Methodism, in whose hearts millenarian reveries were united with the longings of the overworked and the hungry for the improvement of their earthly lot. Mormonism is probably about the last of the religious Utopias; the Utopias of the present day are Utopias not of religion but of social science.

Of that Socialism which in Europe hangs like a thunder-cloud over society, emitting such flashes of lightning as Intransigentism and Nihilism, there is, for the reason already given, very little in the United States. There is very little at least that is of native origin. The overcrowding, the suffering, the oppressive military systems, the political disturbances of the Old World send Socialists to the United States and a few even to Canada. A semi-socialistic constitution was imposed the other day on the State of California by the Sand-lotters, as the extreme social democracy of San Francisco is called, under the leadership of Mr. Dennis Kearney; but it seems not to have gone into operation, and the star of Mr. Dennis Kearney himself has paled. Property has its old guard in the freehold farmers, who, if it came to anything like a trial of strength, would be more than a match for the socialistic populace of the great cities. Liberty, with the love of which the people are thoroughly imbued, is opposed, as much as property, to Socialism. For Socialism is despotism in the supposed interest of the artisan. It would invest its industrial government with powers far more extensive and tyrannical than those which any political autocrat wields, and in killing liberty it would also kill progress. The first problem which a Socialist is called upon to solve is political. He has first to devise a government so pure, so wise, and so impartial as to be fit to be entrusted with absolute power, not only over the citizen but over the worker, and indeed over the whole man, a government the compulsory action of which might be safely substituted for natural motive in the industrial and social, as well as in the political sphere. His next problem will be how to bring his system into operation. The establishment of an artisan despotism will be resisted to the death by the other classes, and the entrance to social felicity will be through a civil war.

Socialists and all who incline that way constantly talk of the State and of its duties. It is the duty of the State, they say, to educate everybody, to form the character of everybody, to provide work for everybody, whether there happens to be work enough or not. Duties can attach only to persons. To the persons forming the Government there attach such duties as may have been imposed upon them by the community and

these alone. The State is not a person or a conclave of persons—it is merely an abstraction, or rather, in the conceptions of Socialistic theorists, it is the lingering shadow of that paternal despotism which was personal with a vengeance, but of which it might have been supposed that the world had made sufficient trial. In representing society as an organism physical sociologists have no doubt gone too far; a good deal of physical metaphor is being converted into philosophy just now. Yet the organism view is nearer the truth than that of a personal State, placed outside society, and having society in its charge. To each other, individually, the members of the community have duties, but this is not what is meant by those who talk about the duties of the State.

Any proposal to parcel out the industrial and commercial world into phalansteries, chimerical as it would be anywhere, is most glaringly chimerical when applied to a Continent, occupied in its whole extent by a vast partnership of closely connected industries, and covered with a network of commercial communications; in which, it may be added, the workman is particularly migratory in his habits, and unless he should totally change his character would not bear the thought of being bound, as the phalanstery would bind him, to a single spot.

I think it may be said that meantime an unforced and most salutary communism gains ground in the United States through the increasing sense of social duty on the part of the rich. Not only that property has its duties as well as its rights, but that the duties are at least as great a source of happiness as the rights, is the practical conviction of many a rich American, as the extraordinary number of foundations and the amount of munificence of every description show. In no community, I believe, is wealth held to a greater extent for the public benefit. Partly, no doubt, this is due to the influence of circumstances, such as the impossibility of spending money on large establishments of servants in a country where no servant will take orders from another, and also to that absence of titles and other inducements to found a family which compels a millionaire who is desirous of distinction to seek it by becoming a benefactor of the public. But the fact remains the same. You see the rich Americans who come over to squander their lightly won fortunes in the pleasure cities of Europe, and fancy that these represent the tendencies of wealth in the United States: but you do not see the rich Americans who are living far different lives at home.

Trade Unionism is not Communism. It aims at insuring

justice to the workman in the bargain between him and the capitalist who employs him, and at elevating his character and social condition. Those who pleaded its cause in earlier and darker days may I think now have the satisfaction of saying that in spite of errors and faults it has really served both these purposes, and that notwithstanding occasional outrages it has, on the whole, rendered trade disputes more legal and less violent in their character than they used to be in former times. We have now no Luddite riots, though we have still things which are to be deplored. Trade Unionism, however, like Communism, is an offspring of the Old World, imported by emigrants into the United States, where, down to a comparatively recent period, it could hardly be said to exist. The native American is generally too independent to brook the restraints of a union, and he has always felt able to make his own bargain with the employer; nor in a land of self-made men, where almost all the masters have set out in life as workmen, is there the sharp social division which here. I take it, helps to generate and to embitter industrial war. The size of the Continent, and the migratory habits of the workmen, to which I have already adverted, are also unfavourable to the organization of compact unions. Bad unionist outrages were committed by the Molly Maguires in the mining district of Pennsylvania; but curiosity having led me to the scene, I satisfied myself that the men were foreigners, fresh from the labour wars of the Old World. A few years ago there was a disturbance on a much larger scale and of a more ominous kind, the chief scene of which was Pittsburgh. This began with a union or league of unions, but it spread to the tramps and other loose and disorderly characters, by whom I believe the worst acts of violence were committed. The necessity was then clearly revealed of having, in a country which is always receiving multitudes of the malcontent and turbulent spirits of the Old World, a sufficient regular force to prevent these immigrants from overturning public order and ruining their own hopes at the same time. Democratic society, however, feeling that it rests on the solid basis of justice, is not apt to endure encroachment on the part of trade unions any more than on that of any other interest or class. The great fact which those who engage in strikes have always to keep before their minds is that their real employer is not the master, though he pays the wages, but the community which buys the work, and which cannot be driven by any amount of striking to give more than it thinks the work is worth; so that the master may be ruined and the trade may be wrecked before

any increase of payment is obtained by the working man. There is no community in which this truth is likely to be brought home to those who strike for exorbitant wages more speedily than in the United States. I should say, however, that in America strikes were more often for increase of leisure than for increase of wages, and if the leisure is even tolerably well employed, this must be regarded as a sign of advancing civilization.

I spoke of tramps, or, as they would be called in this country, vagrants. It is painful to report that their appearance in increasing numbers has become a subject of anxiety both in the United States and in Canada. It is difficult to get at the real cause. In the United States I have heard the opinion expressed that many of the tramps are old soldiers, and that the army which at the close of the Civil War seemed to have melted away almost by magic into the industrial population, has thus after all come back in another form upon the country. It is not unlikely, indeed it may be taken as certain, that the habits of many were permanently unsettled by five years of military life. But having been practically engaged in the investigation in connection with the city charities of Toronto, I was led to the conclusion that most of these men were emigrants of restless and wandering disposition. Much, however, must be laid to the account of climate. During the long and severe winter many trades are suspended, and though, during the summer, wages are high, temptations are numerous and providence is not universal, though far more common among the working class than might be supposed. Some of the tramps certainly work in summer and beg only in winter. The nomad after all is not yet wholly cast out of us: the tourist with his knapsack in Switzerland, as well as the gipsy, shows that there is still a charm in a wandering life; and there are perhaps not a few among these tramps of whom good use might be made, if a calling which had in it something of movement and enterprise could be found for them. In the United States, and still more in Canada, where the forests are the greatest source of national wealth, there is urgent need of a forest guard, to prevent reckless destruction, and especially to save the forests from the fires which, as you see, ravage them in a dry summer, and, though occasionally caused by lightning, are usually caused by negligence in leaving camp fires burning, and sometimes even by malice. Some of the tramps might perhaps make good forest guards. In Toronto, we are about to institute for the reception of these men a sort of casual ward, with the indispensable labour test.

In the great cities of the New World pauperism is beginning to appear. It is a melancholy fact, and we admit it with reluctance, but we are everywhere looking forward to the necessity of a public provision for the poor. The first step towards this is the union of the different private charities of the city under a central board of administration or reference. In Philadelphia, Boston, Buffalo, admirable organisations of this kind have been set on foot. It seems very sad that in a young country and in a land of promise, the social malady of old countries should so soon have appeared. But we must remember that, though young in years, America is already old in progress; she has lived ten centuries in one. Her cities equal those of Europe in wealth and size, and are fast coming up to them in magnificence; it could hardly be expected that they would be exempted from the fell attendant of urban greatness. After all, the poor quarter of any American city, even the Five Points at New York, does not approach in size, and hardly equals in squalor, the poor quarters of London, Liverpool, or Glasgow. I went the other day to look at the poor quarter of Philadelphia, and really, without the help of the friend who guided me, I should hardly have known when I was in it. It is needless to say that political circumstances make this question one of special gravity in the United States. Destitution on a large scale would be fearfully dangerous in combination with universal suffrage.

Public education is politically the sheet anchor of democracy, and as to the necessity of maintaining it there is, I believe, no serious difference of opinion on the Continent. Yet even this, like other good things, has its attendant shadow of evil. At least the general impression is that the system of education in the public schools has something to do with the growing tendency of country people to leave the farms and to flock into the cities in quest of the lighter callings and the social pleasures of city life. Certain it is that the tendency exists, and that callings of the lighter kind are greatly overcrowded, almost as much overcrowded as they are in England. If you advertise for a clerk or secretary, or even for a shopman, in New York, you will get nearly as many applications as you would get here. It is a fact which men of education, who think of emigrating to America, are earnestly recommended to lay to heart. The result, there seems reason to fear, may in time be an educated proletariat of a very miserable and perhaps dangerous kind. Nothing can be more wretched or more explosive than destitution, with the social humiliation which attends it, in men whose sensibilities have been quickened

and whose ambition has been aroused. People are being led to the conviction that at all events the education given in the public schools, and at the expense of the community, ought to be of a strictly practical character, and that the door should be closed against ambitious programmes which engender a false conceit of knowledge and of superiority to common work. There are also some who think that the multiplication of universities and of facilities for taking degrees without any special aptitude for learning or science, has already gone far enough. We have not an unlimited market for graduates, any more than for shopmen or mechanics; and the pleasant idea that a youth, after receiving a University education and taking a degree, will go back to common callings and elevate them by his culture, has not as yet been borne out by the facts.

Perhaps I may here advert to an American experiment, which some years ago excited interest among the working-men of this country. I mean the experiment of combining manual labour with high intellectual studies, which was tried at the Cornell University. The foundation of that University was an instance of the public spirit and the munificence which I have said are common in the United States. Ezra Cornell was a working-man, who, having by a sudden turn of fortune become very rich, at once asked what he could do with his wealth to benefit the State. He was advised to found a University. A University accordingly he founded; and that University—with which I have the honour to be connected as a lecturer—has succeeded in a general way. But the special plan suggested to the mind of its benevolent founder by his own history, of enabling poor students to maintain themselves by manual labour while they received a University education, must be said to have failed. Mental and manual labour draw on the same fund of nervous energy which will rarely suffice for both, and in ordinary cases excellence can only be obtained by undivided attention to study. Still, Cornell University is distinguished by frugality as well as by industry. That trace of its founder's purpose it still bears.

In connection with this class of questions it may be mentioned that an attempt is being made to introduce Co-operation on an extensive scale into Canada, by the establishment of an Association at Montreal, with branches in other cities of the Dominion. It is distributive, not productive, co-operation that forms the object of the enterprise. In truth, the two kinds of Co-operation have nothing in common, and the application of the same name to both is practically misleading as well as verbally incorrect; it makes people fancy that the two things

are connected, and that because one of them is feasible, the other must be feasible also. Distributive Co-operation is not really co-operation at all: it is merely a combination of consumers to buy direct from the wholesale merchant, and thereby to save what has hitherto gone as profit to the retail dealer. Nothing can be simpler or more practicable, and the system is evidently destined to extend itself, at least in the cities; for in the country its application is more difficult, though our Farmer's Granges in Canada aim, I believe, at something of the kind. There can be no doubt as to the improvement which the ready money system, enforced in the co-operative stores, makes in the habits and condition of the working class. Sympathy is due to the retail tradesman, who finds his calling and subsistence thus imperilled. We cannot wonder at his anxiety, or even at his tendency to use his political influence against the advancing foe, in that which must appear to him a matter of life or death. The suffering of those who have subsisted by the outgoing system is the sad part of many an economical improvement. Hard and cheerless is the lot of many of the atoms in the great body corporate, unless they have some interest and some hope in the progress of the whole. The life of a small retail tradesman, however, is perhaps not one of the happiest, or one the reduced sphere of which when the thing is done and the pang is over there will be much reason to deplore. It must in a great many cases be one of extreme uncertainty and of bitter anxiety. Watch any street of small shops: how frequent are the changes, and what protracted agonies of failure do those changes often denote. Many who are now shopkeepers, it may be hoped, will find a less precarious employment as clerks in the co-operative stores. Great houses, such as that of Stuart at New York, already employ a large number of this class, and are essentially applications of the co-operative principle in another form. This case of the retail trader is not the only one of the kind, nor is he the only sufferer by the mighty changes which are going on in the course and the living machinery of trade. Increased facility of communication, especially between the two continents, is bringing the great merchant into direct relation with the producer in other countries, and superseding a number of intermediate agencies by which multitudes have hitherto made their bread.

Of productive Co-operation no important instance has fallen under my notice in America. Mere premiums on the success of the business, given to the workmen in the shape of increased wages or in any other shape, while the capitalist retains the

control, are instances of friendly and judicious enlistment of the working man's interest in his employer's work, but they are not instances of productive Co-operation. In America, besides the ordinary difficulties arising from the want of a capital which can wait for the market, and of a guiding mind, an obstacle would in this case again be found in the unwillingness of the mechanic to tie himself to one spot. In France the working man is more stationary, as well as more apt in his general character for association, and more amenable to control.

To turn to a different class of subjects, though one not unconnected with Socialistic tendencies. The Legal Tender Act, putting into forced circulation a flood of inconvertible paper, to which the Federal Government resorted during the Civil War, has been the unhappy parent of a long series of currency agitations, which has kept commerce in a constant state of disquietude, and has hardly yet come to an end. It may be presumed that in an assemblage of economists there are few who have any doubt as to the character of that measure. It was in effect a forced loan, not the less unjust and pernicious because it assumed the form of legislative fraud and not of despotic violence. Whatever political lawyers occupying the bench of justice might say, it was a violation on the largest scale of that article of the constitution which forbids any legislation breaking the faith of contracts. It enabled debtors to rob their creditors of fifty per cent. of the debt by paying them in depreciated paper. It demoralised commerce and taught the people, who were too keen-sighted not to understand its real nature, a fatal lesson of dishonesty. It introduced confusion into prices, rendered the value of wages uncertain, and thereby brought on industrial disputes and strikes of which there had been hardly any instances before. It set up that mightiest and most noxious of national gambling tables, the Gold Room of New York. Its authors may plead the pressure of desperate necessity, and may no doubt assert with truth that their motives were patriotic, but the character of the measure ought not to be forgotten so long as we are threatened with repetitions or imitations of it. That there were inauspicious precedents for the Legal Tender Act we all know. There was the paper currency of the Revolutionary War, by means of which Washington himself was robbed of his private property while he was saving the country, and the effects of which, social and moral, as well as commercial, were such that Tom Paine, no strait-laced economist, seriously proposed that death should be the penalty of attempting to revive the system.

There were the French Assignats, which, it is just to say, were, in the first instance, landscrip issued in good faith, and based on lands really in the possession of the State, though an unprincipled and delirious Government soon began to drink more deeply of the seductive cup. There was also the suspension of specie payments in England at the crisis of the French War, a departure from principle of a mitigated character, yet a departure, and calamitous in its result. It is hardly necessary to say that, even in its strictly financial aspect, the Legal Tender Act was a blunder as well as a crime. In the upshot it greatly increased instead of diminishing the burden of the debt. Far better would it have been, far better under similar circumstances will it always be, when taxation has reached its limits to go honestly into the market and borrow at the best attainable rate, however high that rate may be. The transaction will really be less onerous to the nation, while the most precious of all possessions, the national credit, will be preserved. I was in the United States at the time, and to me it appeared that the people, if the politicians had only trusted them, were prepared for the better and wiser course. It is wonderful that, after receiving such a lesson in the use of paper currency from their legislators, and in spite of the plausible fallacies breathed by demagogues into the public ear, the people should have declared for resumption, and for the honourable payment of the debt in gold. Their good sense came to the aid of their integrity, and told them that the forfeiture of public credit would to a commercial nation be, not only disgrace, but ruin. They have been rewarded by a financial prosperity to which history affords no parallel. Yet, as might have been expected, the agitation in favour of an inflated paper currency, Greenbackism as it is called, continued, and it found, as everything that has votes will find, allies and advocates among the politicians. Nor is it dead yet, though for the time it has received its quietus from the revival of trade, and the patient, feeling the tide of natural health once more running through his veins, has thrown his patent medicines to the dogs. In Canada during the commercial depression we had a movement in favour of what is called National Currency, that is, a large issue of inconvertible paper, but upon the return of prosperity the agitation began to subside. If we should be so unfortunate as to have two or three bad harvests, and our farmers should go on piling up mortgage debt as they are doing now, it is to be feared we may hear of National Currency again. Not that any one doubts that paper money has theoretic advocates who are perfectly honest

and sincere. I could point to Canadians as upright as any men in the world, who are profoundly convinced that it is in their power not only to flood the country with wealth, but almost to create universal happiness, and wipe off the tears from all faces by issuing an immense number of promissory notes and refusing payment. This is the true description of an inconvertible paper currency. A bank-note is nothing more than a promissory note for so much gold, payable on presentation of the note. All the notes issued under the American Legal Tender Act, and the other Acts of the same description, have, I believe, hitherto preserved the promissory form. If that form is to be discarded, and the simple denomination of a pound or a dollar substituted, as the Fiat money men propose, they will have to tell us what a pound or a dollar is if it is not a certain weight of gold. They tell us it is a certain proportion of the general wealth of the country, on which, as an aggregate, they say their currency is based. But what proportion? What does the paper sovereign specifically represent, and to what will it entitle me? To a sheep, or only to a leg of mutton? To a coat, or only to a pair of shoes? How am I ever to tell what I have in my pocket? This is the first objection, but there is another which is much more fatal. The general wealth of the country is not, like the gold in the Treasury, the property of the Government; it is the property of individual owners; and the State, in giving me a ticket for a portion of it, under the form of a piece of Fiat paper money, would be simply giving me a licence to take my neighbour's goods. The Government has nothing but the right of taxation, bounded by the necessities of the State. Of course, if it is sovereign and despotic, it can give A an order for B's coat, but in doing so it would be committing an act of spoliation. The gold in the Treasury which, on the face of an honest bank-note it promises to pay, is its own.

These fallacies seem to arise from failure to grasp very simple facts. People when they use paper currency of the ordinary kind naturally enough fancy that they buy with paper. It is needless to say that they do not buy with paper in using a bank-note any more than in using a cheque. In both cases they buy with the gold for which the bank-note or cheque is an order. When a man receives a bank-note there is placed to his credit at the bank so much gold payable on demand. The piece of paper itself has no value, nor can any legislation give it any. No act of Government can possibly give anything value. Government by putting its stamp on the piece of gold assures the taker that it is of the proper

weight and quality; but the value is in the gold itself. The gold is the real equivalent of the article purchased. Trade, it is said, was originally barter. It is barter still, though a particular commodity is adopted as the standard. Nothing is given except in return for its real equivalent. The gold, I repeat, is equal in value to the article purchased. But this is not always clearly seen, because one of the elements in the value of the precious metals, the principal element indeed, is not material, but immaterial. At first they were chosen on account of natural qualities, their beauty, their durability, their portability, together with their rarity; but now, in addition to these, they have the position given them by immemorial, universal, and practically immutable prescription as the circulating medium of the world. The Jacobins tried to change the chronological era and to make history date from the first year of their Republic, but they found that the established era was inextricably entwined by usage with the literature, ideas, and habits of civilised humanity. To change the circulating medium of all nations would be nearly as desperate an undertaking. It by no means follows because value is immaterial, that it is conventional and not real. The value of a diamond, as a material object, is as nothing compared with the value which it has acquired by ages of prescription as an established sign of wealth and social rank. This is a matter of fancy, perhaps; but the value, while the fancy lasts, is not the less real. Of course an enormous find of diamonds or gold would destroy the value in either case. I venture to think that even Mr. Mill has not always a perfectly firm hold of these facts. He speaks of money as a ticket, and a mere instrument of exchange. If this were so, perhaps other tickets and other instruments of exchange might be produced at the will of Government.

The Fiat money men point to postage stamps as an instance of value put into paper by Government. But a postage stamp is a receipt for a payment made to the Government in gold, in consideration of which the Government undertakes to carry the letter to which the receipt is affixed.

Of course if Government chooses in virtue of its sovereign authority to enact that the inconvertible paper shall be accepted in payment of debts, if it chooses in other words to issue licences of repudiation, the paper for a time will have a value with a vengeance. But, as we know, it will be only for a time, even though the Government, like that of France in the Reign of Terror, should back the Currency with the Guillotine.

The Fiat money men are not agreed whether they will receive their own money for taxes. Those of robust faith say they will; but there are others who have an inkling of the fatal truth. However, as some American said in this discussion, if the Government can print off as much money as it pleases, why does it come pestering me for taxes at all?

About the merits of Legal Tender with inconvertibility, most of us are of one mind. But why should we admit Legal Tender notes at all? Why should people be compelled to take anybody's paper, that of a Government more than that of a private banker or trader, as gold? If the Government is solvent, no practical wrong is done. But all Governments are not solvent. A principle is broken, the ideas of the people are confused, and the door is opened which leads to the downward path. The other day the Canadian Government, finding itself pinched, took power to issue more legal tender paper. The Government was perfectly solvent, and acted in good faith; but the measure produced some disquietude, and not without cause. In England commerce has a firm control over currency legislation: in the communities on the other side of the water it has not so firm a control, and tampering with the currency is the demagogue's favourite game.

Perhaps, with reference to America, at all events, one might even go further and ask,—Whether it would not be better that Government should entirely confine itself to its necessary duty of putting its stamp on the coin? Why should it issue bank-notes at all? Why should it issue bank-notes any more than any other kind of paper? There is a feeling that it ought to appropriate to itself, for the benefit of the nation, the profits of this particular business. But why of this business more than of discounting, or of lending, or of banking? Government cannot determine the quantity of paper needed at any moment. Nothing can determine that but the number and extent of transactions. The action of the private banks of issue is regulated by the number and extent of the transactions; they cannot help expanding and contracting their circulation with the need. The Bank Charter Act has been three times suspended, of course not without the inconvenience and injustice which attend arbitrary intervention, and it seems at periods of tightness to have the effect of producing a sort of hysterical constriction, which aggravates the evil. Private banks of issue with proper regulations as to reserve and inspection seem to have gone very well through the crisis, both in the United States and in Canada. They are under the law; and we have no reason to apprehend laxity in enforcing

the law against them; on the contrary, there is nothing of which the politicians are fonder than bullying the Banks. But the Government is above law—at least, it can make or unmake the law as it pleases, and its powers may be in unscrupulous hands.

The money trade surely is like any other trade, and falls as little as any other trade within the province of political government. In the ordinary course of commerce bank-notes, issued by a private bank, though not legal tender, cannot practically be refused. This is the ground, and a sufficient ground, for precautionary legislation of a special kind in the case of banks. Other ground it is difficult to see. It must be owned that the stockholders of Joint Stock Banks, in Canada at least, are apt to invite Government intervention by uttering loud outcries when their concerns are mismanaged. But they are like the stockholders of any other companies, and must find their security for honest management in the election of trustworthy directors. If they call for Government intervention against their own officers they may be in some danger of illustrating the fate of the horse in the fable.

About the last scene of the Currency agitation for the present at least seems to be the Silver movement. There are strong and sincere advocates of the Bimetallic system on theoretic grounds; but the sinews of the movement I take it are the Greenbackers with the Silver Kings behind them. The commercial world was some time in settling down on gold as the standard. Besides gold, silver has been the standard; and not only silver, but iron, copper, and under pressure of necessity other articles, such as salt and tobacco. Silver still remains the standard in some countries, to the requirements of which commerce is obliged to bend, notably in the case of India, from the incorporation of which—a group of alien and half-barbarous communities—with England anomalies and difficulties were sure to arise. But the greatest commercial countries have finally adopted gold, with silver for change. It is for the champions of Bimetalism to say how any government or convention of governments is to fix and to keep fixed the relative value of two commodities, when the relative rate of production, among other circumstances, is varying from day to day. So long as silver is merely change for gold, a rough equivalency will suffice. The wealth of England is stored in gold; she is by far the greatest gold-owner in the world; and to ask her to go into Congress for the purpose practically of depreciating gold, is to suppose great simplicity on her part. That the interests of England, or of any other single nation, are identical in the

long run with those of the commercial world in general, is true; but in this case the commercial world in general would suffer by the confusion of the standard, while England would suffer a special and immediate loss. The result of the Bill which the silver men succeeded in carrying through Congress is a mass of silver coin, dollars of the Fathers as the silver men tenderly call them, which nobody will take if he can help it, and in which the salaries of the politicians might appropriately be paid.

Am I to touch the burning question of Protection and Free Trade? That the question of Free Trade should be burning is not wonderful. Misgivings and anxieties are the natural offspring of a depression all the more felt because it follows years of fabulous prosperity. Has the fatal hour arrived? Is England about to be visited by the doom which has discrowned in turn all the queens of commerce: Tyre, Carthage, Venice, Ghent, Augsburg, Amsterdam—Amsterdam, which far into the last century was what London now is, the bank of the world? From that unapproached pinnacle of commercial greatness upon which she stood at the close of the Napoleonic wars, when in devastated Europe she alone was left with manufactures and a mercantile marine, no doubt England must descend. But, though she may lose her supremacy, her primacy will long remain. Such masses of capital, such stores of machinery, such armies of skilled labour under trained captains, such fleets and mariners, such ascendency as a universal bank and money centre, such a position for trade with both hemispheres, such insular immunity from continental wars and their burdens, are advantages not to be cancelled in a day. The accumulated wealth of England is prodigious; she is the grand investor, all other countries are mortgaged to her, and, like a rich man living on his patrimony, she can afford to buy more than she sells. I have heard in my section lamentations over the state of British Agriculture. Yet, saving virgin soils such as the Western Prairies, where Nature pours plenty from her full horn with little aid from man, and perhaps some special districts on which an extraordinary amount of labour has been expended, the harvests of Great Britain are still, I believe, far the largest in the world. In the ordinary lands, both of the United States and Canada, the yield decreases—decreases rapidly, and districts once famous for wheat bear wheat no more. There is no ground for despair; the sun will shine again upon the farmer. Over-speculation and extravagance, produced by golden years, will end, and prudence will resume her sway. The evil hour

will pass away, and Great Britain will still be the queen, though no longer the autocrat, of trade. I will be careful, however, and, avoiding theories, confine myself to one or two facts. With regard to the new Canadian tariff, I must say here what I have said elsewhere—it was a measure of fiscal necessity. There was a deficit which could be filled only by an increase of the import duties, direct taxation in those communities being fraught with social danger, as well as vexatious and difficult of collection. The only tax which is really protectionist, that is, imposed for the purpose not of revenue, but of protection, is the coal tax, laid on in the interest of Nova Scotia, and with a view of securing her adhesion to the general policy. In the selection of the classes of goods there is an attempt to discriminate in favour of England against the United States, which, by the result, appears to have been not unsuccessful. Of course taxes imposed on the importation of goods of the same kind as those which are made in the country, give what is called incidental protection to the home manufacturer, and the tariff is accordingly welcomed by the Protectionists, whose support the Government does not refuse. But there is a rider to the tariff, looking to the mutual reduction of duties by Canada and the United States. The deficit which created the necessity was caused by expenditure for political objects on public works. That the objects were political is not a condemnation, provided the policy was sound. Other things are entitled to consideration besides wealth, as Adam Smith in his defence of the Navigation Laws has emphatically declared. Political economy rests not on any religious principle, but on expediency, which must be enlarged so as to take in all reasonable motives, and to embrace the future as well as the present.

That he is sacrificing, and deliberately sacrificing, the present advantage to larger gains in the future, is the position of the American Protectionist; and whether the belief as to the future profit be well or ill founded in his case, we must meet him in argument on his own ground. For my part I see little prospect of a change in the American tariff except through the reduction of the debt, which will diminish the need of revenue. The Protectionist fights hard; the Free Trader is apathetic. I have noticed this in speaking to Western farmers, who would seem to have the greatest interest in free trade. The proportion of dutiable articles used by the farmer is not large; he does not spend much in clothes; for his machinery he has paid protection price, but then he has bought it, and the thing is done. Seeing the finances flourishing the people think

the system must be good. The promise that by encouraging home manufactures it will draw emigration and provide the farmer with customers on the spot, instead of sending the workman's dinner to him across the Atlantic, seems to them to be sustained by the results. After all, we must remember that the United States are not an ordinary country; they are a Continent, producing almost everything in itself. The Americans in fact have free trade over a vast and diversified area. It seems better to point out this, and to show how it saves them from consequences which would attend protection applied to a small territory, than to tell them they are a ruined people, when they know that instead of being ruined they are about the most prosperous people in the world.

We had, in the Economy and Trade Section, a very interesting debate on the question between Free Trade and Fair Trade. Papers were read by Professor Shaw on the side of Absolute Free Trade, and by Professor Monck on the other side, which I venture to commend to your attention. Absolute Free Trade carried all before it, and had the sense of the Section been taken there would have been an almost unanimous resolution that the doctrine of Free Trade was absolutely true, and that of the champions of Reciprocity false. But when we come from theoretic debate to fiscal legislation, perhaps the position of Professor Monck becomes practically stronger. How do you propose to raise your revenue? All import duties, duties on tea and tobacco, as well as a duty on corn, are interferences with Absolute Free Trade. Do you propose to raise the whole revenue by direct taxation? That course might be safe and easy here; in the democratic communities of America it would, as I have said, be not only difficult, but dangerous in the extreme. With us, customs duties are inevitable—in other words, absolute Free Trade is out of the question. We can only consider, with reference to our special circumstances, which are very different from those of Great Britain, what import duties are the best, or rather the least bad. Economy, which reduces the cost of establishments, and peace, which reduces the magnitude of armaments, both reducing the necessity for revenue, are the best missionaries of Free Trade. Perhaps, if we were to deal with these matters less in the abstract and more in the concrete, if we were to try our hands at framing fiscal systems for the different countries, in place of demonstrating universal principles, we might be led to more practical results.

There is talk of an Imperial Zollverein, which means, I suppose, free trade between England and her colonies, with

protection against the rest of the world. Canada would always be willing to meet the wishes of the Mother-country, but she could hardly enter into an arrangement of this kind. Her case is essentially different from that of Australia and New Zealand. She is bound up commercially as well as territorially with the United States, which are her natural market. She has, moreover, a frontier of three thousand miles, and to keep out American goods she would have to employ a considerable proportion of her population in guarding the Customs line. As it is, there is smuggling on a large scale.

This paper is unavoidably miscellaneous; and there are two things more which perhaps ought to be briefly noticed. One is International Copyright. Literary men in the United States have always been in favour of international copyright, both on general grounds of justice and because under the other system they are placed at a manifest disadvantage, a publisher not being willing to pay them for their work while he is at liberty to take the work of British authors without paying. But the publishers have hitherto resisted. Now they have come round, and are pressing the Governments to make a treaty. It is too late. Cheap publishing has received an immense extension in America during the last few years. Not only light literature, but literature of all kinds, including science and philosophy, can now be bought at amazingly low prices—prices so low that the necessity of public libraries, except for purposes of reference, appears likely to be almost superseded. The American people have entered into a paradise of cheap reading, from which, depend upon it, they will not allow themselves to be shut out. I doubt whether Congress would even pass the law which it seems would be necessary to give effect to a treaty. Copyright altogether received a severe blow when a large English-reading public came into existence on the other side of the Atlantic beyond the pale of English law. There is nothing for it now, as I believe, but to get, if possible, free trade in books, and in publishing to give up etiquette, and come down to commercial principles. We must print our books, as we would make our cottons, for the market, and not expect the public to give an etiquette price for reading matter, more than for any other article. I fear this sounds coarse advice. But after all the soul is yoked to the body, and, if literature is ethereal, publishing is a trade. It would not be surprising if the question raised by this international difficulty about copyright were some day to extend to the case of patent right also.

The last word I have to say is about Emigration, and on

this subject I wish to be cautious. I do not want, as a citizen of a country which courts emigration, to understate its advantages; at the same time I feel the responsibility of encouraging any one to emigrate. I have had to do with emigrants, and I know that all, even those who are destined to prosper most in the end, have to go through a period of despondency and home sickness. This is particularly the case with mechanics and persons of that class who, finding things not exactly as they are here, think that all is wrong, and lose heart. A labouring man—healthy, hard-working, sober, and thrifty—cannot fail, I believe, to do better in the New World than he could possibly do here. For a farmer, taking with him money enough to buy his land and to stock, or partly stock it, the prospect seems good. But the British farmer, at least if he has reached middle age, with his fixed habits and ideas, accustomed as he is to all the aids and appliances of a long-settled and highly civilized country, and to having the mechanic always at hand to do for him what the American or Canadian does for himself, is hardly the man for the life of a pioneer; he is likely to fare better by taking one of the farms in the East, which are left vacant by adventurous Americans and Canadians moving West. Of mechanics I believe there are nearly enough for the present both in Canada and in the United States, though of course the increase of the general population is always making fresh openings, especially in the West. Domestic servants are in demand, particularly such as can cook; but they must not expect the same punctilious divisions of household labour which there are here; they will have to follow the general rule of the Continent, by mixing trades and doing things which here they would say were not their place. The class of callings which, I must repeat, is over-stocked, almost as much as it is in this country, is the lighter and more intellectual class; such callings are commonly sought by the sons of gentlemen and educated men. Let not any man cross the Atlantic in quest of these; for if he does, he is not unlikely to be an example, by no means the first, of a highly educated man seeking in vain for the humblest and coarsest employment that he may eat bread. I have only to add that any emigrant, English, Scotch, or Irish, who comes to Canada, will find himself among friends.

Address

ON

ART.

BY

VISCOUNT POWERSCOURT, K.P.

WHEN I was honoured by the invitation of the Council of the Association to take the chair on this occasion, my first feeling was one of dismay at having to undertake the task of addressing such a distinguished assembly, and especially upon a subject which requires so much more information than I can pretend to, to do it justice.

I thought that it would come better from some one who had more technical knowledge to discourse to you upon the subject of Art, and that the experiences of a great painter or sculptor would have been more interesting than any remarks that a mere *dilettante* like myself could offer.

It came into my mind, To what period, school, or branch of art can I address myself? If I go back to make comparisons between Raffaelle and Michel Angelo, I shall be accused of copying Mrs. Jameson; and on the other hand, if I make allusions to living artists I may make to myself hundreds of enemies, who will say, What business has a man who lives in an agricultural district in Ireland, and ought to be looking after his beeves and sheep, to criticise or pass his observations upon us, whose lives are spent in studying the great schools of art of bygone times, and who can alone have opportunities of knowing the difficulties which beset the artist in his profession?

On these grounds I trust that I shall be excused for the shortcomings which I feel in what I am about to bring under your notice. I am sure that it depends very much upon the chances or advantages, local or other, which are within reach of an artist, whether he has the opportunity of rising to the highest rank; the race is often, whether from his own poverty,

or from the non-appreciation of his neighbours or of his day, not given to be won by the really swift. There have been many instances of that in this country, as well as elsewhere. I recollect myself in Dublin an artist who is now dead, who, I am quite sure, if he could have known it, would have made his fortune in Paris. He painted in a style which has been followed by a certain school in the French capital, and his name will be familiar to those who have known Dublin for the last twenty or thirty years; but he was laughed at as an eccentric person, and he lived for many years unrecognised, and obliged to eke out a poor subsistence as a drawing-master. I confess that I myself was among those who did not see what a genius he was, but my eyes have been opened of late years, and I wish, before proceeding to consider the great subject of Art in a more general way, to pay a tribute to the memory of George Sharp.

His style was entirely his own, and I have seen in no school a method of work, or an entirely original talent, such as was possessed by this gifted and vigorous painter. If there was any one to whom I could compare him, it would perhaps be to Jan Fyt, or the great Dutch master Franz Hals, whose works seem only to have gained the reputation with the general public of which they are worthy, in quite recent times. I was told by a well-known connoisseur in London a short time ago that, looking for some comparatively unappreciated artist of former times whose works should be brought into the market, and thinking that for purposes of trade in pictures the world was nearly exhausted, and that the public was perfectly sick of hearing that there was a grand Rubens or a splendid Correggio for sale, he said to a friend, 'Let us invent some one whose pictures shall bring high prices, and bring him into general notice.' His friend said, 'Why not Franz Hals?' A few years ago a picture by Franz Hals could be bought for thirty or forty pounds, and now you must pay for him in hundreds, if not thousands. The connoisseur and his friend were doubtless right, for I think it will be conceded that Franz Hals was one of the first masters of portraiture in the Dutch school. I went some few years ago with a friend, a very clever artist, for a tour in Holland, and among other places visited Haarlem, and entered the Town Hall, where are the principal works of Franz Hals, and my friend was so wrapped in admiration of his works that it was with difficulty he could be dragged away, even by the pangs of hunger, from their contemplation. Thanks to the Director of the National Gallery of Ireland, we have an excellent example of his work

here lately acquired in Paris, and I only hope that some of the art students will observe the wonderful breadth of touch in that picture, the manner in which the work is 'knocked in' with such consummate knowledge and without the slightest apparent effort, which is to my mind the mark of the rarest genius. One touch seems to do, from his hand, what would take the labour of weeks or months to accomplish by a less facile brush.

I have somehow plunged at once *in medias res*, without knowing hardly how I began; but as I am in Holland, I may as well stay there for a little while. What a number of the greatest names that can be recalled in art lived at the same time, about two hundred years ago, in that little country, so near to our own shores, and so deficient in what one would suppose were the great natural incentives to genius. There are few beauties of nature there to attract, the climate is one of dulness and fog, the land is marshy and flat, and yet it is from there that the masterpieces of art come, which are the admiration of the whole world. You cannot buy a good picture by a first-rate Dutch master now unless you are very rich; the prices fetched at sales for first-rate examples range higher and higher; you must be a Rothschild now to get a Rembrandt or a Cuyp. But why is this? Because of what Carlyle called the 'Fleissigkeit' of the works that the Dutchmen with their characteristic industry have produced.

It is only some of the early Italian and Flemish masters who have done work which can compare for completeness with the paintings of Holland, and all the world goes to Ghent and Bruges to admire the works of the latter, but these are mainly confined to religious subjects, whereas the Dutch school is more general in its scope, and from the great men of that country you have portraits, landscapes, sea pieces, interiors, and pictures of every class of subject, pleasing every one by their variety, and unrivalled for colour, finish, and execution.

It is like gardening. And why do all the best gardeners come from Scotland? Scotland is not blessed with an exceptionally fine climate, favourable to outdoor occupations, but the Scotchman has a hard head, and he has struggled against the difficulties in his way until he has made himself the master of the gardening world.

So with the Dutchman; he had, for one thing, to keep constantly pumping to guard himself from being overwhelmed by the sea, and I am quite sure that if a man with any pluck has difficulties put by nature in his way, he becomes from force of habit more energetic than he, for instance, who lives

where he has only to scratch the soil to have abundant crops ready to his hand.

Go to Amsterdam, to the house of Burgomaster Six on the Heerengracht, and look upon those two portraits of the friend and patron of Rembrandt and his wife, and, if you are an artist, I think your heart will sink within you at the hopelessness of ever attempting to rival such works as these. Observe the work of Rembrandt in the 'Five Syndics' in the Amsterdam Gallery, grave and impressive, full of power in light and shadow, a picture which puts before you so many thorough men of business considering the affairs of their city, in the picturesque and sombre garb of the time, in a way which has never been surpassed.

Look at that grand work of Van der Helst, the 'Banquet of the Archers,' and mark the individuality in all the faces, the study of grouping of the figures, the wonderfully faithful attention to drawing and perspective, and the intricacy of detail represented in the picture.

There may be seen also many works of the great Dutch painter who worked so much in England under the patronage of our monarchs and the Court, Sir Anthony Vandyck, and in connection with them a rather amusing incident occurred to me in the gallery. I was looking at the pictures with some friends one morning, and a British tourist came in with his wife, guide-book in hand, and passed rapidly from picture to picture, and probably being weary of doing the sights, and ready for his luncheon, shut up his guide-book with a clap, and turning to his companion said, 'Avandyck, avandyck! let's go away, it's all avandyck!' The pictures were a series of portraits marked on the frames, 'A. Vandyck.'

Well, then, you may take the train and go to the Hague, and enter that delightful little museum, with its foot in the water, and surrounded with beautiful trees and picturesque old houses, and admire the great 'Bull' of Paul Potter and the no less fine 'Dead Swan' by Weenix, which hangs on the opposite wall, and think how these men studied nature, and how their unerring and faithful brush depicted animal life after a fashion which leaves them the undisputed masters in their line of any age. There are the works of William Vandevelde, the greatest sea painter that ever lived, whose golden calms are the admiration of every one who appreciates art; the extraordinary detail and drawing of horses and camp life of Philip Wouvermans, the chiaroscuro of the Mierises and Peter de Hooghe, or the sunny Italian landscapes of John and Andrew Both. If you take a drive into the country, you see the subjects which the

landscapists and cattle painters took their ideas from at every turn; and a day or two in Holland at the present day shows innumerable examples in nature of Cuyp, Hobbima, or Wynants in every line of the landscape. Mr. Gladstone said, at the dinner of the Royal Academy this summer, that English art had not obtained so much fame out of England as at home, for the reason that England had been for a long time such a rich country as to have absorbed within herself all or nearly all the works of her own artists. This no doubt is very true, for you certainly do not see in many collections on the Continent examples of English art. Whether it is the fact of wealth, or whether foreign connoisseurs have not until a late period become acquainted with the English school, I cannot say, but it is remarkable that out of the British Isles very few English pictures are found in public or private collections. On the other hand, there are perhaps more Dutch pictures in England than in any other country, partly from the natural desire of amateurs to acquire works of such undoubted excellence as were produced in Holland, and also because such artists as Vandyck, William Vandevelde, and others were under the direct patronage of the English Court, and our kings brought them over to paint for them, and even gave them State salaries. However that may be, the connection between the countries was very intimate at that time in art matters.

I cannot leave Holland without a word with regard to one of the rarest and greatest masters of the Dutch school, who is well called in the *Gazette des Beaux Arts*, from the little that is known of him, 'The Sphinx.' I mean Jan Van der Meer, of Delft. In the Hague Museum may be seen his splendid picture of his native town, glowing with sunset light, and a few of his works may be found at Dresden, Paris, and in some private collections in England. But he is so remarkable and original an artist, and his manner of painting is so peculiar to himself, that it is curious how his talent appears to have remained almost unknown out of Holland until quite recently. The *Gazette des Beaux Arts* had several articles on him two or three years since, and they gave him the name I have mentioned, on account of his being a riddle, in that he seems to have done so little, and yet that little is of such superlative merit. It does not seem to be known whether he died young, which is probable, but at any rate his name has not been recognised in the same category as Metzu, or Jan Steen; and yet his work, in the few examples which are extant, might rank with these, and he had a method of treatment of light and

shade, and also of colour, which is quite unmatched in its own peculiarities of style.

Any one who knows his pictures can never forget the truth and force of his colouring, and the delicate and beautiful effects in his works, especially his way of depicting the effect of light through bluish window-glass, which seems to be the principal aim in many of his pictures, and which I do not remember to have seen so successfully rendered by any other painter.

I think I have now dwelt enough upon Dutch art, and will therefore change the scene to something else.

I remember, a good many years ago, happening to be at Rome, having had the privilege of seeing a grand collection, not so much of pictures, but of works of art of a different kind, the result of many years of interest and watchfulness on the part of a great connoisseur, Signor Campana. He had assembled together a vast mass of miscellaneous objects, almost entirely of ancient Italian art, comprising Etruscan pottery and ceramic objects, such as majolica and Raffaellesque earthenware, antique marbles, bronzes, ancient Italian furniture, &c.

It was, I suppose, the largest and most important collection of curiosities and antiquities of the Italian peninsula which had ever been got together.

I remember well, although I was only a youth, looking with wonder at the immense assemblage of objects, and I can recall the late Mr. Gibson, R.A., the great sculptor, taking us round and explaining the merits of the fine examples of Lucca della Robbia ware and other remarkable things in the collection. The British Government was, I believe, offered the entire for the museums of this country; but I think that the immense assemblage of Etruscan ware was purchased by the Emperor Napoleon III. for the Louvre, where it can be seen by the world, and a great deal of the Early Italian ware went to St. Petersburg, so that it is satisfactory to those who take an interest in such things that the study of them is within their reach at the cost of a journey to the capitals where they are placed, and it is an encouragement to the artistic traveller to have an object in visiting other countries and comparing the art of distant lands with that of his own.

Any student of art who will take the trouble to go, for instance, to Russia, finds himself in an entirely new atmosphere from what he has experienced in the rest of Europe, and will probably have some ideas put into his mind there which will tend to widen his views of the conceptions of the human imagination. That country has its own characteristic

art ideas, and what must strike those who have seen it is a certain largeness and sumptuousness in their style, although this may be mixed to some extent with the barbaric.

The palaces and public buildings are on a scale commensurate with the bulk of the empire, and it is with a feeling of surprise that one first enters that great square at St. Petersburg, formed at one end by the Winter Palace and its adjacent buildings, bounded on the shores of the Neva by the Admiralty, which is nearly three quarters of a mile long, and containing at its further extremity the vast mass of the Isaac Cathedral.

This is a stupendous structure, whether you consider the enormous flights of steps and monolith columns of Finland granite supporting its porticoes, the gigantic reliefs in bronze forming their pediments, or the great golden dome which crowns all, the whole the conception of the French architect Montferrand.

Then at Moscow, entering the city in the grey of a summer's morning and looking down upon the innumerable domes and spires, their gilding flashing in the sun, and the vast mass of the Kremlin, with its group of churches, the Ivan Veliki Tower, the Palace, and the Arsenal, it is a sight to fill the beholder with wonder and of a feeling entirely new in architecture and art, combined as it is with the beauties of nature in the picturesque position of the town.

Wander through that most curious to me of all the cities I have ever seen, and mark the quaint elevation of the Church of St. Basil, the bazaar filled with busy traders, with the fortress walls of the citadel frowning above; then enter the Kremlin gates, and stand upon the terrace looking down over the city, and marvel at that most extraordinary and unique view. Turn into the churches in the Kremlin, and there will be found works of art enough, of an unaccustomed kind, to arrest the attention; the great silver gates between the body of the church and the sanctuary, with their central panels of solid gold in fine artistic work, studded with diamonds and precious stones, and the golden model of Mount Sinai, presented by Prince Potempkin; then pass on into the halls of the Palace and the Treasury, filled with works in gold and silver, notably the great silver candlesticks presented by our King Charles, and you must acknowledge that, barbaric if you will, there is something most impressive in Russian art, in its luxe and magnificence.

To turn for a moment to the Art of Music, can anything be more striking to a stranger first visiting Russia than the grand choruses of male voices in the cathedrals? There you

see the long-bearded archimandrite advance, at the time when the Gospel is read, from the sanctuary, when the gates are thrown wide, and after the Gospel hear the praise to Almighty God from thousands of devotees, and see the Czar and the humblest moujik all standing on the pavement, symbolising the equality of all men before the Deity, prostrating themselves without distinction when the golden crucifix is upraised for their adoration. There is something very stirring to a mind at all imbued with religious feeling, which is so connected with the art of former days, in this most impressive service, so surrounded with gorgeous accessories as to vie with the ceremonies of the Church of Rome; and the connection of art with the highest feelings in the human breast cannot but have a purifying and sanctifying influence upon any one who has any sense of the beauty and fitness of the worship of the Almighty, the Great Mover of genius and knowledge in the minds of men.

It is of course well known that Russian art is of Byzantine and Eastern origin; and the architecture of Russian cities reminds one of and forms a sort of connecting link between the art of the East and that of the West. The Greek churches of Muscovy show a very similar character to the mosques of Islam, and thence one may pass to one or two observations upon Eastern art. It is a curious thing, but I believe pretty well authenticated, that the best period of art in some of the countries of the East—certainly in Japan, and I believe in China also—is said to have been as nearly as possible at the same date as the Renaissance in Europe. My authority for this is Mr. Bertie Mitford, who was in the Diplomatic Service in Japan for some years shortly after Lord Elgin's mission, and who made a very fine collection of Japanese art while resident in that country. One of the most remarkable objects in his collection was a great iron eagle, of which each feather on the bird is formed of a separate piece, all built up into a whole, which was made by a celebrated artist of Japan, who was as nearly as possible a contemporary of John of Bologna and the great Italian masters in the same line. This extraordinary work of art was purchased by the nation from Mr. Mitford, and may now be seen in the South Kensington Museum. The best period of later art thus appears to have been a spirit moving over the whole face of the earth at the same time, and to have animated races inhabiting far distant parts of the globe, who cannot possibly have had any intimate knowledge of each other.

I think it will be more interesting now to turn to the

various schools of contemporary art; and I will endeavour to say a few words upon the modern schools of painting in Europe, with the ideas of an observer for some years of their main characteristics in the present day. The principal countries of Europe have each a separate and individual type in art, which in each case preserves attributes peculiar to itself, and is marked to a great degree by the circumstances of the country which gave it birth.

Beginning with the northern parts of the Continent, we have in Norway, Sweden, and Denmark painters who represent the main features of their native lands, wild and grand scenery, and incidents of peasant life. Tidemand is perhaps one of the greatest artists of the Scandinavian peninsula in the representation of interiors; and naturally, in a country where the sea is a great factor in the habits of the people, we have an important school of marine painters, represented by Sorensen and his congeners. The rocky coasts of Norway, and the various phases of the ever-changing surface of the waves, are set forth in their works with the greatest faithfulness; and the moving waters and the ships rolling upon them cannot but be recognised, by any one who has observed nature there, as being truly studied by the masters of that school. Some of the works of Sorensen or Andreas Achenbach, views of the Skagar Rack and other parts of the coast, with tumbling waves and storm, leave nothing to be desired. There is a great Russian marine painter too, some of whose works have been lately exhibited in London, Aivasovsky, and his representations of the sea are full of an accurate knowledge of the treatment of the transparency of the water, and the ever-varying effects of sunlight and gloom upon the waves, which surprise the beholder by their truthfulness, and by the idea that they give of the fleeting nature of the effects which he brings before you. Any one looking at his pictures will be impressed with the idea that it is the moving scene of nature that is before him, and one almost expects to see the cloud coming over the moon, and to have the rolling sea shut out from his view immediately, such is the illusion produced by his masterly skill. There are also some Muscovite artists who excel in the details of figure painting and landscape to an extraordinary degree.

Passing from these northern climes, we come to the great central part of Europe, inhabited by the Teutonic races, where religious art flourished formerly in the talent of Albert Dürer, Holbein, or Lucas Cranach, and has descended to our own day, suiting itself to the spirit of the times, in some cases

devoting itself still to the representation of sacred subjects, and on the other hand blending itself with the history and poetry as well as the social life of the different nationalities.

There are great and distinct schools of art in the capitals of the various states which now form the German Empire, and the many fine collections of works of the old masters in the cities of Germany exercise an influence on art education all over the country, which, with different local characteristics, makes the race one of the most remarkable for the cultivation of artistic genius.

The principal collections are well known to every traveller, but in some of the ancient towns other branches of art besides painting and sculpture were formerly very much cultivated, particularly one which had till of late years almost died out in England, and beautiful old work in wrought iron can be seen there, well worthy of attention. Cast metal is, from the art point of view, valueless; but from the many models to be seen in Germany as well as in England, a taste for wrought-iron work has happily again revived, and Messrs. Brawn and Downing, of Birmingham, as well as other well-known firms, are bringing this beautiful art again into vogue. To the artist's eye it is at once distinguishable from metal casting, and it is a pleasure to see in England that this art, in which the Germans were pre-eminent, is becoming much more appreciated, and that even in small suburban villas and country residences a bit of tasteful wrought iron, of however simple design, is taking the place of the heavy and hideous cast-iron gates and railings which used to prevail. Of course cast iron is much cheaper, but wrought iron is art, whereas the other is mere brute material.

The tourist in Germany does not often visit one town which is nevertheless most remarkable for its collection of pictures, and which, by the incorporation of the small states into the Empire, has become rather a dead city, which is Cassel. A former Grand Duke of Hesse-Cassel collected there one of the best and most select assemblages of works of old masters (principally of the Dutch school) in Europe, which are wisely left there by the Imperial Government, as they form the principal attraction to the place.

Few people who visit the principal capitals are aware that there are in the Cassel Gallery something like thirty works of Rembrandt, including several landscapes by that great master, which are so very rare. I do not suppose that in all the collections of England altogether more than half a dozen landscapes by Rembrandt could be found, of which the only

one I can at present recall is Lord Lansdowne's 'Mill.' The Cassel collection contains besides many other first-rate pictures, of various schools, and it is well worth while for any one who has not seen them to visit this otherwise dull town.

The collections at Berlin are too well known probably to need description, but I must say that I was rather shocked the last time I was there to see how many of the pictures had suffered from over-cleaning. Many of them are hardly recognisable. Some of the Medici series in the Louvre at Paris are also none the better for this.

As I have got upon the subject of picture cleaning, I would wish to say that it is a practice often more honoured in the breach than in the observance, and when done requires the greatest care and judgment. There are very few who understand it, and there are more pictures destroyed by the process than can be told.

A great many people who inherit or purchase fine works are advised immediately to have them cleaned, because they look dark, and they are committed too often to inexperienced hands, and made to look quite bright and new. It is no doubt a good thing in many cases to get rid of dirty old varnish and the accumulations of house dirt which have collected from long neglect, but it should be remembered that a picture acquires tone and its most delicate and beautiful aerial effects from often-repeated paintings with very thin colour.

I have often been horrified by seeing the irreparable damage done to pictures, because all the fine and delicate glazings put on by the artist are removed in this process, and although the picture often looks wonderfully renovated for a short time afterwards by bright new varnish, the experienced eye will see at once a hardness and crudity in the colour, denoting that the more delicate parts of the work have for ever disappeared.

How many Sir Joshua's are there, for instance, which are merely the ghosts of their former selves? And though in his case this is due to a great extent to the materials which he used in painting, still there is much which must be ascribed to the inexperienced cleaner. Half the pictures of the Dutch and Flemish schools which appear at sales have undergone this process, perhaps more than once, and works which, if they had been left alone, would have borne great value, have become nothing but skeletons, mere wrecks of what they once were.

I remember the late Mr. Merritt, perhaps in his life the most experienced man at that kind of work, telling me that his customers who sent pictures to him to be cleaned com-

plained that they never could get them back when they were once in his hands.

He used to shake his head in a melancholy way, and say, 'Ah! They don't understand what a work it is to clean a picture!' He used to go over the whole surface with his finger, and rub very carefully and remove the dirt, but he was so conscientious about it that he would keep a picture for weeks, sometimes even for months, on his easel, rubbing at a bit here and a bit there, but never going further than was absolutely necessary. That of course takes a long time, and more expeditious processes are often used, but I am afraid that they tend in most cases to the destruction of the work which they are intended to restore, and the worst is, that when the cleaner finds that he has gone too far, then comes the repainting process, which is worse than all!

In making a sort of imaginary tour of the German galleries, there is one capital where ancient and modern art stand perhaps more in juxtaposition than anywhere else, which is Munich. There, in the ancient Pinacotek, is one of the greatest and most representative works of Rubens, 'The Fall of the Damned,' where his bold drawing and unrivalled flesh painting are shown to the very limit of his genius. No one can deny that of all the painters that ever lived, Rubens's brush shows in such a conception as this a masculine vigour in which he stands quite alone. Whether you contemplate such a work as this, or the Medici series in the Louvre, or those noble portraits of his contemporaries which are to be found at Brussels, and in some English collections, such as Mr. Banks's, of Kingston Lacy, the great Antwerp master is the prince of painters for virile power both in outline and colour. His successor, Vandyck, is also well represented there, and the visitor must come away with a feeling of admiration of the long and stately line of full-length portraits by his hand which adorn that gallery.

But there is at Munich one of the greatest modern schools of art also. King Louis I., grandfather of the present monarch, devoted his life to the encouragement of art, and it is to him that the chief town of Bavaria owes the fact that she is the centre of the artistic world of the Teutonic part of the Continent. She has produced, among other great names, Kaulbach, Piloty, and Cornelius. The first has, one may almost say, formed the German art-world of modern days. You never see any print shop in Germany, whether in Berlin, Dresden, Vienna, or in his native Munich, which is not full of his prolific genius.

His draughtsmanship is well-nigh unrivalled, and he took up in his painting all the subjects most dear to German ideas and traditions, whether they were the history of Charlemagne or the works of Goethe or Schiller, as well as great events of classical story. I remember visiting him once in his studio at Munich, when he was engaged upon his great picture of the 'Battle of Salamis,' and the grave old man, in his coat trimmed with fur, as he was so well known in life, was very kind to a young and inquisitive stranger, as I was, although I had no introduction except my card; and showed me and descanted upon the work with which he was engaged.

The Munich school has cultivated a branch of art which I shall refer to presently in my remarks on another country, namely the production of large monumental works illustrating history. Kaulbach's works in this line are perhaps best seen at Berlin, where he was commissioned to decorate the walls of the Treppenhaus, or entrance hall of the Museum. There is space enough there to show the great pictures with which the sides of the hall are covered, and his draughtsmanship and management of immense numbers of figures, grouped with admirable skill, testify to his having been perhaps the first master of the German race of modern times. Cornelius in religious subjects, and Piloty in his masterpiece of the 'Murder of Wallenstein,' may be cited as among the other leaders of the school founded and fostered by King Louis in his beautiful capital.

The statues in bronze of heroic size, notably the gigantic figure of Bavaria on the Review Ground near Munich, show that it was not only to painting that the artistic monarch extended his patronage, and Rauch and Schwanthaler were among those whose names were rendered famous by the commissions which he gave them.

There is one great school of art not very well known in this country, and which I regret never to have had opportunity of observing at home, namely that of Spain; so I must pass from it in the hope some day of seeing the glories of Velasquez, which those who know them paint in such glowing colours.

I now propose to come to what is one of the foremost, if not the first, school of modern art, and to say a few words as to the reasons why it is so; and I think that my observations may have some bearing upon what is the more proper motive of an address on Art in this Congress, namely the application of the fine arts to the sympathies and every-day life of the people. I allude to the French school, and I used the last

sentence because in France art is, under whatever rule happens to be in existence in that country, systematically nursed and fostered and made familiar to the people in a way which I think does not obtain, at least to the same extent, anywhere else.

In France there is, as part of the Government, the Ministry of Fine Arts, and although no doubt we have in England also our Science and Art Department, as a branch of Government, still I think that there are certain ways in which art is more directly encouraged in France than in other countries, including our own. There is a certainty, under conditions of merit, that a French artist must have proper recognition of his talents, and that not depending, as in this country, upon individual appreciation of any particular style or branch, but in the widest sense by a system of substantial reward by the State of the highest merit in painting and sculpture, of whatever kind, method, or even material it may consist. That is, in sculpture, whether it be a figure or group in marble, bronze, terra cotta, or anything else, if it only comes up to the required standard; and in the same way in painting, let it be a historical work, a study of the nude figure, or of animals, or still life, the Government deals with it, and gives the greatest spur to the efforts of the artist which can be, by not only distributing prizes, but by purchasing the finest works that are exhibited, and adding them to the national collections. This is no doubt done in England too, but it is mainly confined to the works of deceased artists, which there may perhaps be good reasons for, although they do not on this plan receive the stamp of national approval in their lifetimes, in the way they do on the other side of the Channel.

The leading feature in French art is the cultivation of 'Grande Histoire.' The encouragement given by the State to the production of immense canvases representing current events or circumstances of former times, as well as fancy subjects on a large scale, raises the French school above that of all contemporary nations in that line. In England the school of 'Grande Histoire,' or great historical art, may be said to have hardly any existence. The pictures painted in the United Kingdom are of a more domestic and local interest and of moderate size, and I think it will be generally admitted that when British artists attempt pictures much above cabinet size, they are not often very successful. There is not the same amount of interest in the British art schools in the drawing of the human figure and animals on the scale of and above life size which there is in France. To take an instance,

there was a picture in this year's Paris Salon by a celebrated Polish painter, Chelmonski, who has apparently studied in the French schools, of a Russian carriage with four horses abreast, galloping straight at the spectator, of colossal proportions. The drawing of such a subject on such a scale is no doubt a great effort, and perhaps such works may be open to criticism, but I do not think that there is any artist in Britain who would ever dream of attempting to paint such a subject. It would be quite beyond him, and quite out of the reach of the schools here, on account of the want of scope in this country. There was another very large picture, 'Christopher Columbus at the Court of Ferdinand the Catholic,' by Brosnik, perhaps the finest work in the Salon of the year, grand in conception, splendid in tone as a set of jewels, and of a lovely scheme of colour, which I think would compare favourably with any historical painting produced in England in our day. Bougereau, who seems to take Carlo Dolce as his example, showed in 'The Virgin and Angels' his usual matchless drawing, and though, like his type, the colouring may be somewhat pale, still it is of unsurpassable delicacy and refinement. In portraiture, Bonnat exhibits in his portrait of an artist friend a power which it would be difficult to match elsewhere.

The prevailing feeling in my mind when I pay my nearly annual visit to the Paris Salon is, that with all the faults that one sees, which must be inevitable where such an immense number of works are exposed, there is a freer air and a wider field than in England, and frequently that there are a certain number of pictures which rise to a level in originality of conception and spirit and grandeur of motive and of execution, as well as too often of ghastliness and brutal fidelity, to which we have here no corresponding example. Scenes from the Revolution, such as Charlotte Corday murdering Marat in his bath, find no place here, and it is as well not; but though some of these pictures are painted with quite a sickening truth, the effect of this catholicity in idea and subject must and does tend to the enlargement of the artist's mind and the infusion of a masculine vigour into his work. The purchase of some of these immense canvases by the State and the deposit of them in the Luxembourg, which is becoming year by year a magnificent collection of the best modern productions of the school, and which, I should say, places France foremost in the present day, must be an enormous incentive to exertion in the breast of every artist of whatever nationality who studies there. He knows that if he produces a work of sufficient merit, it matters not of what subject or style, he is sure of a niche in the Temple

of Fame in the national collections, and is not the plaything of fashion or dependent entirely upon private encouragement or private finance for success. Any depression of the funds of private individuals has a greater effect in England than there, for in the United Kingdom, when those interested in land on the one hand, or in trade and commerce on the other, are in temporary or permanent difficulty, art flags too, the buyer keeps away from the artist's studio, and there is reflected upon him the depression of the rest of the community.

But in France, whether there is a monarchy, an empire, or a republic, there is the Ministry of the Arts, and the united wisdom of the Council choose, independently of any consideration except merit, the works to which they award the palm in the annual exhibition. The prizes are always awarded, but if there is not sufficiently conspicuous merit, it does not at all follow that any picture must be purchased for the nation, so that the proceedings of the jury are kept pure, which would not be the case if they were always to purchase. The system of education is, I believe, somewhat as follows:—Most of the artists of importance in France have a school of pupils. A person wishing to become a pupil is recommended to the artist, and has to pay a deposit to him, after which he is formally admitted into his class, which is constantly visited and supervised by the master. The Government sends round annually to the different ateliers to know if there are any pupils of sufficient promise to compete for the Prix de Rome, which is an annual grant to pay the expenses of, I think, two pupils to go to Rome and live there for a year for study, and a portion of the grant goes to the master of a successful pupil, which is a direct encouragement to him to push his pupils on.

Those whom he recommends attend at the Académie des Beaux Arts on a given day, and are each put into a private studio, and a subject is given out, perhaps a single figure and a head of expression, such as 'Rage' or 'Sorrow.' If the pupil is poor, models are provided. The studies are then submitted to an art jury, by whom they are sifted to select the best, and then a regular subject, always a classical one, is given to the selected pupils, and from these the prize winners are taken. There is also a Prix de Rome for sculpture, under similar rules. When the student gets to Rome he is taken up at the French Academy, at the Villa Medici, and given a studio gratis, so that all he has to provide himself with is his food and a garret to live in. He is allowed to copy from the great works at Rome, and if the copies are of sufficient merit

they are bought by Government and distributed among the provincial schools of France.

Then when the young artist returns to his native country and sends his picture to the Salon, if admitted, there is first the Grand Prize of the Salon, for a work in Grande Histoire, besides the Grand Medal and three ordinary medals. An artist having won the prize has afterwards marked on his pictures 'Exempt,' that is, that once having gained the highest prize he cannot again compete.

There is also the mark 'Hors Concours,' that is non-competitive, which means that having won the prize, and afterwards sending works to the Salon, he has a right that his pictures shall be hung, but not for competition. Then any work of unusual merit has the chance of being purchased by the State, the best being placed in the national collections in the Luxembourg and the upper galleries of the Louvre, and others being distributed to local galleries in provincial cities throughout the country. This permission to artists to send works 'Hors Concours' to the Salon is no doubt one reason of the enormous number of works exhibited there every year in comparison with England.

It may be said that there is some even of the 'Hors Concours' work which is not very good, but the effect of such very wide latitude is that, although in one way perhaps it lowers the general standard, still it tends in other ways, I think, to a great freedom of ideas.

Comparing the Salon with our academies, one cannot help seeing that the conceptions of British artists are very much limited in size, scope, and subject, whereas in France there is scarcely any limit at all in any direction, and though you see every kind of extravagance there, and some works which reach to the horrible and even to the ridiculous, still I maintain that you also see occasionally a work of a superlative excellence and of a wide genius and masterly execution, such as is, I almost said never, but at any rate very rarely, produced in the British or other art schools of the world.

Of course I do not mean to say that there are not as great artists in England or elsewhere as in France, but the opportunities of advancement given by the State are of a larger and more practical kind than those given by the Governments of other countries.

Some might say that the confining of the subject to a classical one at the Beaux Arts does not always turn the bent of the student's mind to the style in which his natural talent may lie, but the object is to induce correct drawing of the

human figure. It is curious to look at the studies, all of this class of subject, which may be seen at the Académie des Beaux Arts in Paris, with the names of the authors attached, and to compare these with the works of the same artists after they have completed their art education, and are free to adopt whatever branch suits their minds, in such wide divergence, for instance, as the landscapes of Corot, Daubigny, or Rousseau, the historical works of Cabanel or Couture, the marine pictures of Ziem, or the broad and magnificent work of Henri Regnault, who, unfortunately for art, was prematurely slain in a sortie in the siege of Paris in 1870. There is probably no painter of our time who has excelled Corot in idyllic landscape; one may compare him, although his colouring is so different, more perhaps to Turner than any one else, and the Daubignys, Jules Dupré, and Théodore Rousseau have formed a distinct school in landscape, very much after the manner of the British painter Constable, whose works are quite as highly thought of in France as in this country.

There is no branch of subject which is not ably treated by French artists and those of other nationalities who paint in France, and the study of the nude, of life size, is another most important section of art education which is specially fostered, and which produces in the exhibitions there a large number of pictures which would not perhaps meet with approval here; but in this class also, among the number of unpleasing works, come out occasionally such masters of flesh painting as Lefebvre, Gerôme, or Henner, who have but few rivals in the world in that line.

Then, of course, an artist's style is formed as his life goes on, and the works of his mature age sometimes show a complete metamorphosis from those of his youth. Take the painter who, I should say, might be called the greatest of the present day, of almost any school, Meissonier, and see his work of thirty years ago and that of to-day, and mark the change in the two periods in the productions of his brush. Perhaps the culmination of his talent may be put at twelve or fifteen years ago, and any one who looks at his work as it may be seen in Sir Richard Wallace's collection in London will observe what I take to be the principal quality which raises Meissonier's work above that of all his contemporaries—the extraordinary power of representing, on what is physically a very small scale, his subjects with such breadth as well as fidelity, as to give on a space of a few inches square the effect of a canvas of the largest size. There are other artists who paint on the same small scale of canvas, but to none of them is

it given to carry the idea to the mind of the spectator so completely that the subject is of life size, except to this truly wonderful master.

His work has attained now to such a value as to be beyond the reach of any but very few, and as I suppose it is not probable that the number of his pictures will ever be very great, it is difficult to say what their value may be some day, when I saw one in Paris the other day for which no less a sum than twenty thousand pounds was asked, the work being some eighteen inches square. What a joy it must be to a painter to see such works as his grow under his hand! Another great French master, Descamps, used to say that he never felt fully alive but when he had hold of his brush, and if his pictures only gave their possessors one quarter of the pleasure that he took in painting them, he was quite satisfied.

I think that in France the effect of art upon the social life of the people is much more apparent than in England. In this country you hardly ever hear among the artisan classes any remark bearing in any way upon their appreciation of anything of the kind; but in Paris it is quite remarkable how many of them there seem to be who know and feel a good deal about it. This is due to a great extent to the much greater freedom of access to public collections which there is there, as well as in other Continental countries, than here, and especially to the fact of the national museums as well as the Salon being freely open to the humblest on holidays, and above all on Sundays.

It is really most interesting to see the Louvre or the Palace of Versailles on such occasions, crowded with *ouvriers* with their wives and families, examining with attention and intelligent interest the grand works of the old masters, or the contemporary paintings in the Salon or the Luxembourg. These days are certainly rather to be avoided by those who have leisure at other times, for the galleries are generally so full that it is impossible to obtain more than a glimpse of the pictures over the people's shoulders. All that access to the great works and examples of art must, and it is evident does, have a civilising and refining effect, which I hope we shall see carried out in a somewhat more liberal spirit soon in England. I have the strongest opinion that it must be better to make it possible for those who must perforce spend their whole week in some close warehouse or factory, perhaps amid the whirr of machinery or the monotonous employments to which so many must necessarily be condemned, to go into the spacious galleries such as exist in London and elsewhere, on

these the only days when it is possible for them to do so, and feast their eyes on the glowing canvases which are there displayed.

There is the idea that it would entail a certain amount of extra Sunday work upon the officials and employés in the museums; but on the Continent they are generally not opened till after the hour of divine service, and the officials have their Monday for rest, when the galleries are generally closed. We have tried this plan here in Dublin at the National Gallery, and the arrangement is found to work well.

We have the highest authority for doing good works on the Sabbath, and if refining and civilising and educating the minds of those who have no other opportunities, and keeping at any rate some of them away from debasing influences, is not a good work, it is difficult to understand what is. The number of officials who would have to be employed to attend on Sundays is so small in comparison with those who would visit the museums, that the balance of benefit done would certainly far outweigh any disadvantage on that score, and the attendants in our National Gallery of Ireland willingly consented to be there for the extra day's pay, and on its being arranged that they should have a half-holiday on Mondays.

There is no doubt a strong feeling among certain schools of thought against the proposal, but I hope and trust that the majority of thoughtful persons who wish to see the social state of the masses of working bees in our immense hives raised and ennobled, and to throw some beams of genial sunshine upon the gloom of their lives, may be induced to take up warmly and liberally this important subject, and to press the Legislature to pass such measures as may bring the illuminating power of science and art more completely within the reach of the humblest of our fellow-subjects.

Well, to come to a short and concluding notice of contemporary art at home, it is singular to observe, in the works of even great men of some generations back in the British school of painting, how little attention comparatively appears to have been then paid to drawing.

In the works of some even whose names are greatest, not excepting Sir Joshua Reynolds himself, the human figure is often very defective. In some of Collins's beautiful landscapes the animals and figures are put in with a disregard of form, and sometimes even of proportion, which shows that detail was very much sacrificed to general effect. Turner's figures also often lack correctness; but of course nobody cares for that in comparison with the unrivalled aerial effect and beautiful tone of his works.

But, except with regard to the paintings of the highest rank, the first thing that strikes one always in an exhibition in these islands is a certain garishness and crudity of colour, or rather a want of tone in the general scheme of colour. Perhaps it may be due to our dull skies and the absence of sun, which induces the artist to endeavour to gain the brightness which his mind recalls in a southern clime, and which he feels a want of here; but I feel very strongly that the foreign schools excel us in that point of tone very much indeed.

It should be remembered that there is no such thing as positive white, or indeed positive colour of any kind, in nature itself. There is a splendid sobriety of tone in the works of the best Continental artists, and especially of the French school, which I take to be the foremost among them.

I tried once or twice to hang together in one room a number of French and English pictures, and this brought it very distinctly before me; for I found that they differed so much in tone that I could not manage to get a harmony among them on the same wall. I found that, to prevent them clashing, the only way was to hang the English pictures in one room and the French in another. There is a French painter who exhibits in the Royal Academy who is a notable example of this, Monsieur Fantin. He paints in a very low key, and yet I am sure that it must have been observed by others as well as by myself that, standing at the other end of the room, you can see his picture quite clearly, while those around, though much brighter in positive colour, have faded into indistinctness. This must be a sign of greater power; and although I know that probably the great majority of Englishmen, and even of British artists, do not admire the low key of French pictures, still I have found that works of the English school are quite killed by the superior power of the low-toned foreigners. It is well known that the scarlet uniforms of our soldiers are more invisible at a long distance than black or even dark-grey clad masses of men. These peculiarities in the British school are probably due to the want of guidance by tried and experienced artists, such as I have described in the method adopted of training students in France, where the pupil is never allowed to run before he can walk.

There is no doubt that in our academies and in the Science and Art Department the curriculum of drawing from the round and from the living model exists; but either there is a want of knowledge, particularly of harmony of colour, or there is not sufficient discipline, probably from the want of any direct pecuniary advantage to the master, such as I have

endeavoured to show is the case in France, where the first-rate artist is the general instructor, and gains a distinct personal advantage from the proficiency of the pupils in his atelier.

After all, even in art, you must look to the fact that if a thing does not pay it will not be well done; and I am afraid it must be said that the general standard, both in drawing and colour, is higher in the French school than in our own. The remedy is to have some kind of general supervision over the students' work by the first artists of the day. Of course they could not give their whole time, but neither do they in France; but I should imagine that some of them might be glad to give a general supervision if it was made worth their while by a reward of some kind given to the master out of whose workshop the best results came, as well as to the successful pupil.

The work of the best British artists stands as high as any in the world, and in domesticity, and in touching and noble sentiment, it is probably unsurpassed; but there is very little, if any, of the system of the best painters having schools and pupils of their own, which was the case in Italy, Spain, Holland, or other countries in the great days, and is still the practice in France, Belgium, and elsewhere at the present time.

To show the progress that is made by genius of the highest stamp during a lifetime by careful study and thought, it was most interesting to see a series of the works of one of our greatest English masters, which were exhibited in London this summer, showing the phases of his art from his Pre-Raffaelite days down to his latest landscapes and portraits, in which he has attained to a splendid colour and a masterly breadth of touch in which he stands pretty nearly alone.

If it may be permitted for a humble amateur to say so, in all his styles he has been great, but in his latest and present style greatest of all.

But few can hope to scale that height; but if the earnest student keeps the highest standard in view, by thoughtful observation of the best works which are accessible to him, collections of which are being gradually formed here, as well as in other centres of civilisation, and aims at emulating the truth arrived at by the great masters of the past, it is open to him to produce a work worthy to raise its author to the first rank among the artists of the world, and to gain a niche in the Walhalla of imperishable fame.

SELECT PAPERS,

NOTICES OF PAPERS,

DISCUSSIONS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

INTERNATIONAL AND MUNICIPAL LAW SECTION.

JURY LAWS.

Are any and what Alterations in the Jury Laws desirable?
By JOSEPH BROWN, Q.C.

THE subject of the amendment of the jury laws is too wide to be fully treated in the limits of a single Paper, as every one may be convinced of by reading the reports of the Parliamentary committees which have sat on the subject, and the evidence given before them by judges, counsel, sheriffs, and others who have had the widest experience in it. It is a tree of many branches, some of which I must leave to those who will follow me, and who may know more about them than I do; confining myself to two or three of these branches, which I have made the subject of study, and in which I venture to think that great improvements may be made, if some ancient prejudices can be got over.

I must also premise that I shall enter into no discussion upon the failure of juries to do justice in certain disturbed districts of the country during the agrarian agitations of the last year or two. It is true that this topic will rise to every one's mind when juries are mentioned, but any discussion of it at this Congress would be in danger of ending in a political debate, which would be against our rules, and besides, would be too much of a surfeit for any ordinary appetite which has swallowed the debates of last Session. There is another reason why this topic of the failure of juries in the disturbed districts lies outside of a discourse on amending the jury laws. It is this, that no amendment whatever of the jury system would prevent the failure of law and justice so long as secret tribunals exist which set the laws at defiance, and enforce their dark decrees by assassination and every kind of outrage, and

by a system of terrorism which intimidates every man who cares for his life, family, or property. In such a state of things, Governments and Parliaments have on former occasions recognised the impossibility of enforcing the law, or of protecting life and property, through the means of juries, and have been compelled to resort to trial by magistrates, and sometimes by courts-martial, or to imprison suspected persons without trial until the evil days of terror had passed away.

I shall therefore deal with the jury laws in the same way as in ordinary times, when jurymen and witnesses can do their duty without fear of being boycotted or shot at by hired assassins.

I propose also to deal chiefly with such parts of the jury laws as are common to both England and Ireland, and on which I feel more at home than on those which are peculiar to Ireland.

It is proper, in the first place, to notice briefly what has been done in the last ten or twelve years in the way of amending the jury laws.

In England, the Juries Act of 1870 (33 and 34 Vict., c. 77) made an alteration in the qualifications required of special jurors, by which occupiers rated to a certain amount were put on to the lists of special jurors, and made liable to serve as such. I have heard it frequently stated, and have observed myself, that the effect of this change has been to lower the character of the special juries for education and intelligence, by diluting them with a large number of men who were formerly only qualified as common jurors. But I cannot go so far as to say that the change may not have been justified by circumstances, or that the verdicts of special juries in England are not, upon the whole, generally satisfactory.

No material change in the jury laws has been made in England since 1870, for although a bill for that purpose was introduced into the House of Commons in 1873, by the then Attorney-General (the present Lord Coleridge), and again in 1874, yet it was crowded out by other measures of more political interest, and was afterwards dropped.

This bill contained clauses for reducing the number of a jury from twelve to seven, and for dispensing with a unanimous verdict.

In Ireland there have been no less than four Acts passed in the last ten years affecting the jury system more or less materially.

The first of these was Lord O'Hagan's Act, called the Jurors Act, Ireland, 1871.

This Act was aimed principally at four matters: the qualification of jurors, the revision of jury lists, the rotation of jurors, and the abridgment of the powers of sub-sheriffs in selecting jurors.

His lordship in introducing the bill stated: 'Hitherto the jury lists had been made up of freeholders and leaseholders in counties, and of certain freemen and householders in towns; but of late years numerous social and economic changes had revolutionised the different classes of Ireland, and the old qualification of freeholders and leaseholders had become so obsolete, that there were none who could now constitute a jury in Ireland; while in some counties forty-five and even fifty-five and fifty-six per cent. of persons as well qualified in regard to property to serve as those who actually did serve, were excluded from the lists by their not possessing the legal qualification. The result had been that in some instances the administration of justice had been brought to a dead lock, and wherever the power of challenge had been rigorously exercised, persons had been able to prevent any trial taking place. He therefore proposed to put an end to existing qualifications, and to substitute a simple and uniform qualification founded upon the rating to the poor law, which had answered admirably in relation to the elective franchises.'

Lord O'Hagan's Act accordingly repealed the old jury acts, and went on the principle of largely increasing the number of jurors, by admitting all persons rated in the counties at from 15*l.* to 20*l.* a year to the common jury lists, and those rated at from 30*l.* to 100*l.* a year, varying the amount in different counties, to the special jury list. Lower rates were fixed for towns and boroughs.

The Act strictly defined the persons to be put down in the general jurors' book and the special jurors' book, and rigidly fixed the order of rotation in which they were to be taken to make up the jury panels; so as to put an end to the power which had been previously exercised by the sub-sheriffs of taking jurors from the list as they pleased, putting in whom they pleased, and omitting whom they pleased.

I must own that I, in common with most people, should have thought beforehand that this Act was very well framed to effect the objects which Lord O'Hagan had in view.

Nevertheless, like many other Irish statutes, when it came to be worked it gave rise to an immense amount of dissatisfaction at the change from the old system; and in 1873 it was found necessary to pass a temporary Act, by which the rating qualification of both common and special jurymen was con-

siderably raised. This Act of 1873, however, did not remedy the complaints of the new system, and hence a long Parliamentary enquiry into it took place before a select committee, who heard a great deal of evidence on the subject, and made their report in June, 1874.

The evidence taken by the committee included that of Baron Deasy, of several eminent Queen's counsel in large practice, and chairmen of quarter sessions, of several solicitors who had long acted for both the Crown and for prisoners, and of sub-sheriffs who had had to work the Acts of 1871 and 1873.

Of course it would be impossible to give within reasonable limits any fair abstract of the mass of important evidence given by these witnesses, which fills 156 pages of the printed report, and which any one who desires to understand the working of the system ought to read. But I may say with confidence, that the evidence of many witnesses of the greatest weight, including Mr. Baron Deasy, was very strong to the effect that, notwithstanding the raising of the rating qualification in 1873, the jurors as a rule were in many counties still quite inadequate to discharge their duties, from ignorance and want of education and intelligence, even in cases free from popular passion and prejudice, and were much worse than the juries before the Act of 1871; that the Crown solicitors were obliged to set aside an enormous number of them from the above causes, Mr. Baron Deasy saying that in Galway out of a panel of 265 jurors he could certainly say that not one-fifth of them were capable of trying any cause whatever, civil or criminal; that very large numbers, even as many as 40 out of 150, had been excused by judges at the assizes, because they were too ignorant, or too poor to bear the expense of staying in the assize town; that it would be better to return to the old system, under which the sub-sheriff had the power of selecting the men to be put on the panel and summoned, and under which Mr. Baron Deasy said they had very good juries. Some witnesses went so far as to say, that without such power of selection in the sheriff it was impossible to get a good jury; and in the opinion of many, it was better to have no trial by jury than to continue the present system.

It further appeared that owing to the large number of jurymen required to be summoned, and to the numbers rejected for incompetency, or excused, or challenged and set aside, it would not be possible to procure the requisite number in many districts or counties, if the rating qualification of the jurors were much raised above the standard contained in the Act of

1873; and Mr. Baron Deasy strongly argued for reducing the jury to six, instead of twelve.

It must be allowed that the Parliamentary committee, which contained many eminent men of different politics, with this evidence before them, and it ought to be added with their constituents behind them, had a sufficiently difficult task to perform. It is a case in which one may be thankful one is not an M.P., strongly drawn one way by irresistible evidence and honest conviction, and violently pushed the other way by custom, and popular feeling, and party interest.

However, the committee made their report, of which I must pass over the minor parts, which deal with practical details, and notice only the most important, which were that the Juries Act of 1871 should be amended, but that it was indispensable to the proper administration of justice in Ireland that the system of providing juries should be such as to ensure absolute impartiality in the formation of the panels of jurors; that the rating qualification of jurors fixed by Lord O'Hagan's Act of 1871 was too low in some cases, and that it should be raised higher than the qualification fixed in the temporary amending Act of 1873; that it was desirable to add to the number of persons qualified to serve as jurors, by qualifying some who might not have a rating qualification, such as the sons of peers, of baronets, of grand jurors and magistrates, officers of the army and navy while not on service, freeholders and leaseholders.

They also recommended that a right of peremptory challenge in civil cases in the superior courts, and in all trials of indictments for misdemeanors and *ex-officio* informations, should be allowed to each party to the extent of six challenges; that the occupation of a house, or house and buildings without land, when rated to a certain value, should qualify a juror in counties; and that juries should be selected by ballot from the panel in criminal as well as in civil trials.

With regard to so much of this report as relates to raising the rating qualification, I gather from the evidence given that Lord O'Hagan was not responsible for the scale of rating fixed by the Act as sufficient to qualify a juror; the figures in the rating schedule having been altered when the bill was in committee. It was the low class of jurors admitted by the lower scale of rating which formed the chief complaint made against the Act of 1871. In consequence of this report, two Acts of Parliament were passed in 1876, one called the Jurors Qualification (Ireland) Act, 39 and 40 Vict. c. 21, by which the rating qualification was raised to 40*l.* a year for lands in

the counties, but was lowered for houses to 10*l.*, and even in three counties to 6*l.* It restored also the old qualification of incomes of 10*l.* a year issuing out of freehold lands, and of 20*l.* a year issuing out of leaseholds of twenty-one years; and it further qualified certain partners and directors of public companies. This Act of 1876, as well as the Act of 1871, was temporary, but has been continued in force by subsequent Acts to the end of the present year.

The other Act of 1876, called the Juries Procedure Act (Ireland) (1876), chiefly affects the order and mode in which jurors are to be summoned, but it also gives a right to the parties in civil causes, and to defendants in misdemeanours, of challenging six jurors without cause, and a similar right to a private prosecutor in all criminal cases, while it takes away his right of requiring any juror to stand by till the panel is gone through. This Act also takes away challenges to the array, that is to say, to the entire jury panel, except for partiality, fraud, or wilful misconduct of the sheriff or officer returning the panel.

It also empowers the judge to allow a jury fire and food while considering their verdict, and defines the exemptions from serving on juries, amongst which the most noticeable are publicans rated below 15*l.* a year, persons who cannot read and write English, and persons who are deaf, blind, imbecile, or lunatic. It is a pretty commentary on the barbarous state of our jury laws that these provisions should have had to be enacted in the year 1876. This Act is permanent.

In this state, therefore, the law relating to juries in Ireland has remained ever since 1876, and it would be very desirable to have some reliable account of the working of the Acts during the last five years. I have, however, failed to find anything of the kind either in 'Hansard' or in the legal journals. Probably this defect may be supplied in the course of the discussion to-day. But from the slight alteration that was made in the rating qualification by the Act of 1876, for reasons which will presently appear, it seems impossible that the complaints made of the working of the amending Act of 1873 should have been removed.

Most of us have read from time to time in the newspapers of the miscarriage of justice at the assizes in Ireland, owing to the ignorance and want of intelligence of rustic jurors. It is also significant that an Irish legal periodical (the 'Law Times') has been holding discussions at intervals as to the expediency of continuing or of abrogating the trial by jury.

What was the reason why an Act which seemed founded

on the principles of justice and equity caused so much dissatisfaction in practice? I shall endeavour to answer this question.

Before Lord O'Hagan's Act the selection of the jurors to be put on the panels for both civil and criminal cases was made by the sub-sheriffs, and, whether it was always done fairly or not, there seems no doubt from the evidence that in practice the sub-sheriffs generally returned a fairly intelligent set of jurors, who were both able and willing to attend the assizes, and many of whom had before served on juries and acquired some little experience in trials. This power of selection by the sub-sheriffs, which was condemned by some witnesses but highly approved by others, was wholly taken away by Lord O'Hagan's Act, and in place of it the Act compelled the sheriffs to put on the panels, by a rigid system of rotation, the names which were entered in the jurors' book as they occurred in a certain order fixed by the Act of Parliament, the larger number of those names consisting of jurors who were rated at the lowest figure, also fixed by the Act for each particular county. The effect of course necessarily was that the majority of the jurors in some counties, and very often a large majority, consisted of small farmers and others of a very low order, wholly ignorant and uneducated, as well as full of class prejudices, utterly unfit to deal with questions of the least difficulty, and wholly without experience in courts, so that their verdicts were often such as brought ridicule on the courts and turned justice into a farce. I do not pretend they were at all worse than some specimens of English juries have been in former times, for the same causes would produce the like effects in England and Ireland.

The remedy suggested for this evil by many of the witnesses who were examined was to raise the rating qualification higher than it stood in the Act of 1873, so as to secure a better class of jurors, and to exclude all those who could not read and write English.

This exclusion of the most ignorant was adopted by the Act of 1876, and was, no doubt, a very important improvement. But when the committee considered the question of raising the rating standard of qualification above that fixed by the Act of 1873, they were met by the objection that to raise the qualification by even 10*l.* a year would strike off so many jurors as not to leave enough remaining to do the county business. For example, the committee were informed that in Cork county the number of jurors on the book before 1873 was 8,425; that of these no less than 2,771 were struck off

by the amended Act of 1873, reducing the number on the book to about 5,700; and that if they raised the qualification in the county of Cork to a yearly rating of 40*l.*, it would reduce the number of jurymen to about 3,100, which the witness thought an insufficient number.

This statement will carry astonishment to ordinary minds, yet the sub-sheriff of Cork said that he required in one year for quarter sessions in this county not less than 2,400 jurors, besides about 500 more at the assizes, making a total requirement of about 3,000 jurors in a single year for a single county, which may be taken as a sample of the other counties. And this was the sole obstacle, it appears, which prevented the committee from raising the standard higher in 1876 than 40*l.* a year value for lands in nearly all the counties, and so excluding the more ignorant jurors, the committee being expressly told by the sub-sheriffs that if they did raise it there would not be enough men left on the jurors' book to do the work, unless they were all called out about once a year. Now the main point to which I wish to call attention is the enormous waste of power, of time, of trouble, and of expense, caused by a system which actually requires about 3,000 jurymen to do the work of one county in one year, when a third or fourth part of the number would be sufficient if we could only get rid of ancient prejudices. When it is considered that a jury consists of only twelve men, that two juries are the usual number at work at one time in quarter sessions or assizes, and seldom so many as four juries, which would make forty-eight men at most, any ordinary person would think that, even allowing eight sessions a year, and a different set of jurors at every session, about 400 or 500 jurymen would do the work of the year. Yet the sub-sheriff says he requires about five times the above number, that is to say, 2,400, and this is borne out by a return made to the House of Commons, dated March 28, 1879, which gives the total number of jurors summoned at the spring assizes in 1879, compared with the total number of jurors in each county, and the total number who actually served at the spring assizes in several counties, the returns being incomplete as to several others. This return relates simply to the jurors at one assize, and does not include the jurors at the general sessions at all.

But it shows that while in some counties a large proportion of the numbers summoned actually served, in other counties the number who served was less than a third or a fourth part of the number summoned.

The cause of this wasteful expenditure of jurymen, so to

speak, is manifold, and the examination of it seems to me to be full of instruction. It is due partly to the number of jurymen who do not attend when summoned, some with, but more without, excuse. If the sheriff requires fifty he must summon 100, if only half of them attend. A large portion will not attend at all, or will not answer when called, unless compelled to do so by fines, and the habitual lenity of judges in abstaining from fines, or in remitting them when they have been imposed, has operated as a great encouragement to unwilling jurors to keep away. If fines for non-attendance were more strictly imposed and levied, it would not be necessary to summon twice or three times as many jurors as are wanted. Here is one cause of the great and wasteful number required by the sheriff. But there is another reason why a large number of those who are summoned do not attend, namely, they cannot afford the expense of staying at the assize town for days together till their names are drawn for service, and the law allows them nothing at all for travelling expenses or for board and lodging while they are waiting, and only a single guinea to be divided among twelve of them for each cause which they actually try, which may happen to be one or two, or may be none at all. Hence we find great numbers of jurymen applying to the judge at the assizes to be excused from attending, on the ground that they cannot afford the expense of stopping in the county town during the assizes, and the judge readily excusing them, the effect of which is that all the trouble and expense of putting them into the jury lists and panels, and of summoning them, as well as their own time, trouble, and expense in travelling and attending, are entirely wasted. Thus the want of any adequate payment to common juries, not for their duties, but even for their actual expenses, is one great cause why a great many do not attend at all, and why judges readily let them off without fines, thereby compelling the sheriff to summon twice or thrice as many as are really wanted, and obliging him to fill up the jury book with a class of men disqualified by poverty, ignorance, and prejudice from assisting in the difficult duties of a court of law.

It was attempted in the English juries bill of 1874, brought in by Mr. Lopes, to remedy the evils arising from this cause by a clause enacting that common jurors should be paid at the rate of 5*s.* each for every cause tried by them, making 3*l.* a cause, instead of one guinea as at present. Why nothing of this kind was done in the Irish Act of 1876 I don't know, nor why the poor juryman should be expected to spend his money and

give his services for the honour of the thing, when judge, counsel, solicitors, witnesses, clerks, and others are all well paid. But this is pretty plain, that until the jury are paid their expenses at least, it is vain to expect a large portion of them to attend, and the evils I have complained of will continue.

Another, and a principal cause of the vast multitude of names required in the jurors' books, thereby obliging the worst qualified class to be included, is the number of challenges allowed both to the Crown and to the accused on trials.

On trials for felony, the prisoner is allowed twenty peremptory challenges to jurors without showing any cause at all, and any number of challenges in addition for which he can show cause. It was proved before the committee, by an experienced quarter sessions chairman, that the prisoner usually availed himself of his peremptory challenges to get rid of the best men on the panel, so that this privilege of wanton challenges is utterly irreconcilable with having a good jury. The Crown, on the other hand, in felonies has the right of challenge for cause shown, but no peremptory right of challenge at all. In lieu of this, it exercises the privilege of ordering a man whose name is called out from the ballot to stand by, until it is seen whether a full jury can be made up without him from the other men on the panel.

In misdemeanours, both prosecutor and defendant have each the right of challenging six jurymen without any cause shown, besides that of challenging any number for reasonable cause. Of course the result of this multifarious right of challenge is, that if the sheriff has to get a single jury of twelve men, he must add to it at least twenty more in felonies, and twelve in misdemeanours, to allow for peremptory challenges and an indefinite number besides for challenges with cause. So that no sheriff would be likely to get a jury of twelve in a felony which touched any popular prejudice whatsoever, without summoning at least sixty jurymen, or five times the number required to serve. And even then it is well known to those who have attended the assizes that cases have occurred where it has been impossible to get a full jury at all, on account of the full exercise of this right of challenge by prisoners.

Now here is a spectacle which is enough to make any man of sense or business ashamed of the barbarity and stupidity of our jury system. You have to try some one or more men charged with felony which touches on some popular prejudice or party feeling. For that very reason the case is obviously unfit to be dealt with at all by a popular tribunal; but rather than substitute any other, you will have a jury taken at ran-

dom from the county. For this purpose you are obliged to summon five times as many men as you want to serve, and when they are collected together in court, at great inconvenience as well as expense to themselves, you first allow the prisoner to strike off all the intelligent men on the list without assigning a reason, and then as many more as he can give any plausible ground for supposing to be partial. Then the Crown exercises the same privilege, and the result is that you have left only the rump of a jury, less than twelve in number; and as that apostolic number is too sacred to be departed from, the whole trial goes off till another assize comes round, and all the formidable and imposing array of judges, counsel, solicitors, jury, sheriff, and police, assembled at so much cost and with so much ceremony to vindicate the majesty of the law, have been merely performers in a solemn pantomime, which ended in no transformation scene—in fact in nothing, except an exhibition of the imbecility of the jury laws to do justice, and a very great encouragement to offenders.

A part of this scandalous exhibition might be avoided, no doubt, by abolishing the superstitious regard for the sacred number twelve, of which I shall say more presently, but the principal source of the evil is this many-sided right of challenge. It seems an obvious reflection that if your summoned jurymen are so suspicious a body that you dare not try with them without first sifting out an indefinite number, some for cause and some simply because the prisoner or the prosecutor is afraid of them, then the case is not fit for a jury at all, as you cannot possibly be secure that you have not left on the jury some men who may spoil the whole proceedings. But instead of adopting some more suitable mode of trial, you still insist on going on with your infallible nostrum of a jury, at the price of inflicting endless trouble, expense, and vexation on all the parties concerned in the administration of justice, and in the result of turning the criminal law into ridicule.

But if this is one of those ugly truths that must not be spoken in Parliament, for fear of constituents and vulgar prejudices, at least we may venture to assert that this mischievous right of challenge ought to be strictly confined within reasonable limits. If the Crown is not allowed in trials for felony to challenge without cause, neither ought the prisoner, seeing that he invariably strikes off the best men, and that the prejudices of a jury are in most cases in his favour; and at least no challenge without cause ought to be allowed where the challenges with cause have already reduced the jury to twelve in number, unless the alternative be adopted of holding seven to

be sufficient where the jury are reduced below twelve by challenges. This might do something to limit the mischief arising from the present system of challenges, though a great part of it would still remain. It is in fact one of the beauties of trial by jury in any county which is agitated by violent popular passions, and which the trumpeters of that institution are so deeply in love with, that they would rather see the arm of justice struck with paralysis, than make a villain give his reason for challenging a good juror. My remarks are not addressed to them.

In the next place, I must call attention to the way in which the evils of requiring such enormous numbers of jurors to be put on the jury books are aggravated by the ancient superstition of requiring twelve men to form a jury, and also of exacting from these twelve a unanimous verdict. If you were to substitute seven men for twelve, and take the verdict of five out of the seven, it is evident that where four juries are now required, that is to say forty-eight men, the number wanted would only be twenty-eight—or little more than half—and therefore the rating qualification might be raised to the level of the more intelligent and independent class, without running short of jurymen. Further, the mere fact of the exclusion of the lowest-rated class from the jury books would of itself reduce very largely the challenges of the Crown, and the necessity of ordering large numbers of the lowest order to stand by when the panel is called over.

And if the law were that the verdict of five out of a jury of seven should be sufficient, the danger of getting one or even two obstinate and ignorant partisans on the jury would be far less than it is at present, since they could not defeat the verdict altogether as now, nor starve the others into submission; and the necessity of pushing the right of challenge to extremes would be largely diminished, which is a chief cause of the excessive numbers in the jury books.

It is well known to those who have considered this subject that under the present system a single interested, or stupid, or ignorant and perverse juryman has in many cases subdued the others to his will, by the mere force of obstinacy and strength of stomach, and has thus entirely frustrated the whole object of the law, and set loose upon society the very worst of criminals. Why are we in the end of the nineteenth century to continue a practice which has no other apology than that it has descended to us from our ancestors: that is to say, from the same people who burnt witches and heretics, and tried causes by battle; who pressed to death those who refused to plead, and starved

jurymen who differed in opinion into a base surrender of their honest convictions? I say emphatically, why are we to continue this ancient barbarity of forcing a hypocritical unanimity, when the practice is at variance with nearly all our other institutions? In almost every deliberative assembly but a jury a majority suffices to determine every question. It is so in every public meeting, in every corporation in the kingdom, and in both Houses of Parliament. In fact a simple majority decides claims to millions, or the question of peace or war; but if will not do to decide a claim for a railway accident, or the title to a cottage! What makes it more absurd is, that in the old times when juries first began, a majority of twelve out of a greater number were sufficient to give a verdict, and to this day a majority of a grand jury and a coroner's jury suffices.

In like manner, a simple majority of the judges suffices to decide any matter, whether it involve life or death, or character, or estate. Moreover, although a majority of a jury can do nothing in England, it is quite different as soon as you cross the Tweed. In Scotland, a simple majority can condemn or acquit any criminal, only you must have fifteen jurymen. In civil cases the Scotch jury consists of twelve men, but if they cannot agree after wrangling for three hours, the majority carries the verdict. This contrivance has the merit of securing a certain amount of deliberation, which you would not always secure without it if juries could at once say, seven of us are agreed to find for the plaintiff or for the defendant. But one does not see why eight Irishmen or Englishmen should not be enough to convict a villain, as well as eight Scotchmen.

Most of our principal colonies, which are not so fettered by ancient custom as the old country, have set us a good example in amending the defects in the jury system which I have complained of. New South Wales led the way, so long ago as 1844, by enacting that all actions should be tried by a jury consisting of four special jurors—unless the court should make a special order for twelve—and that after six hours' deliberation the verdict of three out of the four should be taken (New South Wales Act No. 4, of 8 Vict.).

Tasmania followed in 1858, and enacted that in civil actions all issues should be tried by a jury of seven special jurors, and that after three hours' deliberation the verdict of five should be taken (Tasmanian Act No. 45, of 21 Vict.).

The Victoria Colony in 1865 adopted a special jury of four for the trial of all civil actions (Act of 28 Vict., No. 272), but allowed either party to have twelve if he chose to pay for it.

New Zealand in 1871 adopted the verdict of a majority of

five-sixths in civil actions after six hours' deliberation (Act of No. 44, of 35 Vict.), but made no other alteration.

Lower Canada in 1830 adopted the verdict of nine out of twelve (Act No. 83, Vict. 26). The Cape of Good Hope in 1854 enacted a jury of nine men, and took the verdict of six after one hour's deliberation (Statute No. 7, of 1854); and Jamaica in 1856 established juries of seven men, and accepted the verdict of five.

Oh, benighted and sacrilegious colonies! what will become of you after abandoning the custom of your forefathers, the sacred number twelve, and the starving of juries!

The Tasmanian statute, requiring a special jury in all civil cases, but reducing the number to seven, and accepting the verdict of five, was introduced and carried by Sir Francis Smith, the chief justice of that island. In a communication from that learned judge to a friend of the writer, he gives the reasons for this change and his experience of the results as follows:

'In the course of many years' practice before these juries, I became convinced, from close observation, that the number of four was too small, and that of twelve too large for full, free, and calm deliberation. The jury of four was too small, because among so few a man of comparatively strong will had an undue preponderance, being less likely to meet his match than in a larger number; and the instances were frequent, in cases exciting much interest, in which verdicts were recognised as having been unduly influenced by some one juror, who was known to have held a strong opinion on the matter in question. On the other hand, the jury of twelve was too large, because they could not conveniently consult together.

'It was well known that the common practice was to talk over the case in knots of three or four, pursuing separate, independent, partial, and unsystematic discussions, utterly futile for the purpose of arriving at a general opinion upon the whole case.

'The result too often, and almost always in cases of much interest or difficulty, was a compromise which was no real solution of the question in dispute, and by which justice was more or less frustrated.

'The mode of selection by striking off names was found to be vicious, by reason of its tendency to leave on the jury the least intelligent men, and those of the least force of character.

'As to common juries, I became convinced that they were useless by reason of incapacity for the trial of civil cases. On the whole, the conclusion to which I was led was that full,

complete, and deliberate consultation would be more likely to be secured by the adoption of a number intermediate between four and twelve.

'The choice of the number appeared to depend mainly upon this consideration, that it should be the largest number that could conveniently consult all together, and would furnish a satisfactory majority in case of difference of opinion after adequate deliberation.

'The reform which I introduced was accordingly based on these views. It provided that there should be but one mode of trial for all civil issues, namely, a jury of seven taken from the special jury list, casually selected from the panel by drawing their names from a box.

'The right of challenge for cause was reserved, and that of peremptory challenge to a limited extent conferred. In case of inability to agree after six hours' deliberation, the verdict of five was to be taken as the verdict of the jury.

'I chose the number seven, because it seemed to me to satisfy the condition above mentioned, of being the largest number that could conveniently consult together. The majority of five to two also seemed a safe medium between being content with too narrow, and requiring too large a majority.

'These were the considerations which led me to adopt the number seven. It has been in operation at least twelve or thirteen years, has fully answered my expectations, and is acknowledged to work well, and to be a great improvement upon the former system. There have been no instances, that I am aware of, of scandalous compromise; and the verdicts have generally been satisfactory. The verdict by majority is rarely given but in difficult or complicated cases, or where the evidence is very conflicting, and still more rarely is the jury discharged without arriving at a verdict. New trials also have much diminished in number.'

This experience by a chief justice of the workings of the amended system is particularly valuable, and nothing could be more encouraging to those who advocate a change in our system. One is driven to ask, why is a majority verdict good on one side of the Tweed, and not on the other? Why is it good for Englishmen in Tasmania and Jamaica, but not in England or Ireland? The only possible answer is, custom overpowers reason and governs men, even in their most solemn affairs, and always did.

I shall fortify my views of the expediency of reducing the number of a jury by the authority of Mr. Baron Deasy, who strongly contended for a jury of six only in civil cases, and of

the authors of the English bill of 1873, which contained a provision for juries of seven in civil causes, and another giving effect to the verdict of a majority. It is well known that in the English county courts a jury of five is sufficient, yet I never heard a complaint that they were not just as good as twelve. So also in the superior courts at Dublin, juries of six assess damages in undefended causes, and this system was proved to have worked very well.

It is a most serious objection to juries of twelve, that such a large number destroys all individual feeling of responsibility for an erroneous verdict, and compels most men, whatever their real opinion may be, to yield it up to numbers.

The fact that no reasons are given for the verdict, and no disclosure made of what each juryman thought, greatly increases this sense of irresponsibility. Moreover, the requirement of a unanimous verdict from a jury in causes of conflicting evidence is rarely consistent with honest conviction, and is far less excusable in our days, when the errors of a jury are open to correction by the practice of granting new trials, than it was in former times, when the verdict could not be set aside. If the case upon the evidence is so dubious or difficult that a minority of the jury are honestly convinced that the majority are wrong in their convictions, reason seems to require that this fact should be open to the party who moves for a new trial, and to the court; whereas at present it is concealed by the cloak of a formal unanimous verdict, and the judges are bound to suppose that every man on the jury agreed to it.

It may be said by some that these views are impracticable in the present state of public opinion or prejudice. Even if it were so, it is the office and the most useful function of this society to enlighten and educate public opinion, to expose and overthrow ancient prejudices which stand in the way of great improvements, and to help in bringing up such of our institutions as have come down from ages of ignorance to a level with the knowledge of the age.

And when I call to mind the fact that we have lived to see the abolition of special pleading, the fusion of law and equity, and of the great courts of justice, which the judges and lawyers of our younger days would have looked on with superstitious dread and horror, I no longer despair of seeing such a reform of the jury system as may free it from the reproach of frustrating the course of law, and holding out a refuge to criminals of the most atrocious character, instead of being a terror to evil-doers.

On the Same.

By J. G. SWIFT MACNEILL, M.A., Barrister-at-Law.

IN April last, the Attorney-General for England stated from his place in the House of Commons, in reply to a question of Mr. Broadhurst, that the Government were fully alive to the many inconveniences resulting from the present state of the jury law, but the matter was a very complicated one, that there would be great difficulty in carrying a Bill on the subject, and he could hold out no hope of such a Bill being introduced that session ('Hansard's Parliamentary Debates,' vol. 260, p. 1412). Again, in a leading article in *The Times* in April 1874, we find the statement that the necessity of a considerable amendment in the existing law and practice relating to juries has been acknowledged on all hands. Now as one of the objects of this Association, as stated in its programme, is to guide the public mind to the best practical means of promoting amendment of the law, I think the answer of Sir Henry James in the House of Commons, and the article in *The Times*, which were both acknowledgments of the necessity for reform, bring the discussion of the jury system within the jurisdiction of the Social Science Congress.

I venture, with much diffidence, to propose the following alterations in our jury laws. (1) The abolition in civil cases of the rule requiring unanimity. (2) A reduction in the number of the jury in civil cases. (3) The abolition of the rule whereby the death or illness of a juryman puts an end to the trial.

Any proposal to alter the constitution of the jury is regarded, certainly, with suspicion and jealousy by a considerable section of the public, who look on the system of trial by jury as at once the most ancient and the most precious safeguard of our rights and liberties. Now, if we start from the popular conception of a trial by jury, we shall find that certain qualities are considered to be necessarily attached to it. We should say, for example, that the members of the jury have no previous knowledge of the parties to the action, or their antecedents, and that the various facts and circumstances of the case are presented to their consideration for the first time on entering the jury box; again, we should say that the decision of the jury must be unanimous, and that the jury must be composed of twelve members. But, beyond a doubt, jurors were originally summoned not as judges of facts, but as witnesses, whose personal knowledge was desired from the

proximity (vicinetum, hence the word venue) of their residence to the place where the cause of action arose. Nay more, when the jury system had become essentially similar to what it is at present, the jurors were bound to find their verdict not on the evidence presented to them, but on their own private knowledge of the facts of the case. Thus, to quote an example cited by Mr. Forsyth, in his admirable work on the 'History of Trial by Jury,' at the trial of Reading, which occurred so late as in the reign of Charles II., where the prisoner objected to a juror on the ground that he was on terms of friendship and intimacy with the prosecutor, the Lord Chief Justice of the Common Pleas, Sir Francis North, said: 'And do you challenge a juryman because he is supposed to know something of the matter? For that reason the juries are called from the neighbourhood because they should not be wholly strangers to the fact.' ('History of Trial by Jury,' p. 163, 7 State Trials, 267.) Again, unanimity was not originally required. True it is that twelve should agree in a verdict, but in the assize instituted by Henry II., which is beyond all doubt the ancestor of our present system of trial by jury, in case of disagreement a sufficient number was added to the panel, until at last twelve men were found to agree in the same conclusion, which was the verdict. This method was called an afforcement. The reason for making what has been called the mystical or magic number twelve the minimum, without whose agreement no decision could be made, is simply that this number seems to have been the favourite number for constituting a court amongst the Scandinavian nations, and that in Anglo-Saxon and Anglo-Norman times twelve witnesses (and the jury, as we have seen, were originally witnesses) should agree on a disputed fact. Unanimity was not the rule, but twelve as now on a grand jury should concur.

A rule should not be impugned merely because the reasons on which it was originally grounded are no longer available. I shall, however, have advanced a step in my argument if I have succeeded in dissipating the antiquarian halo which is supposed to surround this rule requiring unanimity in juries—a rule in reality of comparatively recent origin, and the result rather of accident than deliberation. Venue, the last relic of a jury of witnesses, has only been abolished by the passing of the recent Judicature Act, and I have, I confess, little hesitation in recommending an alteration in a system under which at the present hour the sudden illness or death of one juror out of twelve renders a trial of six months' duration a nullity. Any existing institution should be considered impregnable unless

a very strong case indeed is shown for its reformation. I recommend an alteration in the law requiring unanimity in juries in civil cases, on the following grounds.

In the jury alone of all our tribunals is unanimity required. The functions of the jury are no doubt of infinite importance, but are they more important than the legislative functions discharged by the Imperial Parliament, or the decisions of the judges by whom questions of law, involving reputation, property, liberty, life itself are decided, where the judgments of the majority bind the minority? The grand jury is more true to ancient usage than the common jury; *there* although twelve members must agree in finding or ignoring a bill, there may be dissentients. During the session of Parliament, the trial of an indicted peer is before the peers in the High Court of Parliament, and out of session in the court of the Lord High Steward, and the decision in both these courts is by a majority. Again, in that most solemn of all trials, a Parliamentary impeachment before the Lords by the Commons of Great Britain and Ireland in Parliament, the decision of the majority prevails. That the judgment of the majority should bind the minority is the basis of our Parliamentary system, as it is the foundation of our civilization. It governs every phase of life, from the decision of the House of Lords, on a great principle of law, down to the selection of a game by small boys who cry 'most votes carry.' Now there must, we would imagine, be paramount and urgent reasons for giving to one man the power possessed undoubtedly by an individual juror of discrediting witnesses, of disappointing ardent and well-founded hopes, of paralysing the arm of justice, and of turning the counsels of the wise into foolishness. A power under the present jury system is conferred on one man, to which we seek in vain for a parallel, unless we find one in the veto of the tribune at Rome, or the non placet of the Senior Master non-regent in Trinity College, Dublin. But both these great functionaries profess to exercise their power with a due respect to public opinion, to whose moral sanction they admit themselves to be amenable. The recalcitrant juror, however, is responsible to no man. This is Cæsarism with a vengeance. What shadow of justification or excuse can be urged for the maintenance of such an anomaly? The present Lord Chief Justice of England, when in the House of Commons, introduced a Bill embodying very comprehensive changes in the jury law. This Bill was referred to a select committee, but it was found impossible to pass it. On the elevation of Lord Coleridge to the Bench, Mr. (now Mr. Justice) Lopez intro-

duced a Bill substantially similar to the former one. Under the provisions of both Bills a reduction of the number of jurors from twelve to seven (with certain modifications, involving no principle and into which it is unnecessary to enter) was proposed. The second reading of Mr. Lopez' Bill, in April, 1874, gave rise to an interesting discussion in the House of Commons, on the question of unanimity in juries, and the only argument throughout the debate against the relaxation of the rule was thus pithily summed up by the leader writer in *The Times* the following day. 'The direct effect of admitting verdicts of a majority would be to leave every important question unsettled in the popular mind. In spite of the legal determination suspicions would continually arise that the minority may have been right.'

But a great statesman has declared that the only thing certain is the unexpected. Uncertainty is the condition of our existence. In the most serious steps in life do we not walk blindfolded? 'The state of mind,' says Sir FitzJames Stephen, 'described as absolute certainty either does not exist at all, or is not conceivable by man.' But though absolute certainty is unattainable, to one kind of certainty we can attain, the certainty that a decision will be arrived at, and the matter in dispute ended, and this certainty can only be attained when one man is deprived of the power of rendering every trial a failure. Interest reipublicæ ut sit finis litium. Suitors themselves feel the force of this maxim, and are fully alive to the advantage of a speedy termination of disputes, when, in submitting to arbitration, provision is made that in case of a disagreement between the arbitrators, an umpire shall be called in, whose decision shall be final.

If this proposal for the abolition of the rule requiring unanimity in juries be somewhat startling, I have at least the sanction of very high authority in recommending it. Jeremy Bentham aptly described the rule requiring unanimity as a system of 'perjury enforced by torture.' The commissioners appointed in 1830, who were the most experienced lawyers of that day, to report upon the Courts of Common Law, made the following observations on this rule, every one of which are applicable at the present time.

'It is essential to the validity of a verdict that the jury should be unanimous, and regularly they are not allowed to be discharged (unless by consent of the parties) until such unanimous verdict has been returned. It is difficult to defend the justice or wisdom of the latter principle. It seems absurd that the rights of a party in questions of a doubtful and complicated nature should depend upon his being able to satisfy

twelve persons, that one particular state of facts is the true one. As it is notorious that upon such questions a body of men so numerous are often found to differ irreconcilably in their views, it is obvious that the necessity of returning in every case a verdict, and an unanimous one, before they separate, must frequently lead to improper compromise among the jury of their respective opinions. There is reason also to apprehend that where any of them happen to be actuated by partial motives it must tend to produce a corrupt verdict. Indeed, no one can have been much conversant with courts of justice without having frequently heard the remark (where the verdict has been very long in suspense), that one or other of the contending parties has a friend upon the jury.

'On the other hand, however, the necessity for the unanimity of the jury carries with it one most valuable advantage. In the event of any difference of opinion it secures a discussion. It is not possible to poll the jury at once, and so, without further trouble or consideration, to come to the conclusion. Any dissentient person can compel the other eleven fully and calmly to reconsider their opinions.

'But there seems no good reason why, after a certain period of time sufficiently long for the purpose of reasonable and ample discussion, the jury (if still in disagreement) should not be excused from the necessity of giving a verdict, or why the present principle of keeping them together till unanimity be produced by a sort of duress of imprisonment should be retained. And the interests of justice seem manifestly to require a change of law upon this subject.

'We propose, therefore, that the jury shall not be kept in deliberation longer than twelve hours, unless at the end of that period they unanimously concur to apply for further time, which in that case shall be granted, and that at the expiration of the twelve hours or of such prolonged time for deliberation, if any nine of them concur in giving a verdict such verdict shall be entered on record, and shall entitle the party in whose favour it is given to judgment.'

After the lapse of fifty-one years the report seems as fresh as if it were written yesterday. Is unanimity really secured? The agreement must in many cases be merely apparent. It is a hard and ungracious task to set one's individual opinion against that of others. On a man of sensitive disposition the inconvenience and embarrassment of which he, by maintaining his conscientious conviction, is the unwilling cause, weighs so heavily as to shake his resolution. He will begin to fancy his opinion must be misconceived; he will perhaps think it the

part of Christian humility to yield to the opinion of others. A juryman who, conscious of his individual responsibility, will not give his assent to a verdict unless his understanding be convinced, must have the spirit of St. Athanasius and be able to exclaim, 'I against the world.'

What are the opinions of experienced lawyers on the real unanimity of juries. Mr. Serjeant Simon says:—'It is idle to talk of there being in general a unanimity of twelve jurymen. In general the case was virtually decided by two or three jurors, whose lead the others followed.' Mr. Forsyth, in 1874, was able from his place in the House of Commons to repeat the arguments against this rule, which he urged so forcibly in his work on trial by jury written twenty years previously. He gives it as his opinion that it was a sham and not a real unanimity that was produced in the jury box. Mr. Russell Gurney, speaking in the same debate after twenty years' experience as Recorder of London, cites with approval the recommendation of the Royal Commission of 1830, and said that again and again he had been asked to release juries that could not agree, and when half-an-hour afterwards a verdict was given, it was impossible to suppose the dissenting jurymen had been convinced.

Again, the rule requiring unanimity in a jury leads to the enforcing of terms to secure a verdict. Many a juror who if he had his will would have returned a verdict adverse to the opinion of his fellow-jurors, will agree to a verdict on certain terms, and thus the decision of the jury, who are bound to find a verdict in accordance with the evidence, is the result of a feeble and ignoble compromise.

I have now stated some of the arguments which may be urged against the rule requiring unanimity in juries, and the opinions of the distinguished lawyers in support of this view. It is, however, very important to observe that in many other countries where the jury system has been modelled on our own unanimity is not required. Thus, for example, in Scotland, where the jury system in civil cases only dates from 1815, and was clearly introduced through English influence, the jury consists of twelve men, but if they continue three hours in disagreement the verdict of the majority prevails, while in criminal cases a majority of a jury of fifteen acquits or convicts. Again, in France and in every part of Germany, even in criminal cases the majority of the jury carries the verdict. In many of our Australian colonies, as in Lower Canada, the Cape of Good Hope, and Tasmania, the rule requiring unanimity in jurors has been abrogated with the happiest

results, and Mr. Young, in the debate in Parliament in 1874, from his experience as an Australian colonist, bore witness that the plan of allowing three-fourths to give a verdict after all the members of the jury had deliberated together for a certain number of hours had worked very successfully. There cannot be a doubt that, if we were to legislate now for the first time on this subject, no one would dream of requiring unanimity in juries. Though some of these remarks may more or less apply to criminal cases, I still would be inclined in such cases to insist on unanimity in the jury. 'Considerations,' says Mr. Forsyth, 'must be here placed in the opposite scale, which have no place when the decision of civil suits alone is in question. To allow a verdict of "guilty" to be pronounced by a majority implies that there is a minority dissentient; that a certain number of jurors are not satisfied that the charge against the prisoner is proved, or perhaps are entirely satisfied that he is innocent. Now this is not likely to happen except in doubtful cases, for in them only can there exist a real difference of opinion. And how it must paralyse the arm of justice when from the very tribunal appointed by law to try the accused a voice is heard telling her that she ought not to strike.' This view was also taken by Lord Campbell, who in 1859 introduced a Bill in which it was proposed to allow in civil cases only after six hours nine jurors to return a verdict. I confess that so long as the evidence of the prisoner is excluded we are bound to give him the benefit of the doubt, and that as crimes are considered to be offences against the public, the verdict of the jury which represents that public must, in order to secure a conviction, be unanimous.

Now, as regards the number of the jury, I have before explained the reason for requiring what has been called the mystical number of twelve jurors. Blackstone, who is never at a loss for an explanation, draws a fanciful analogy between the number of the jury and the number of the Apostles. Now, the Apostles had great differences of opinion, which we so much deprecate in the jury, and one of them was a traitor. By the Bills of Lord Coleridge and Mr. Lopes it was proposed to reduce (except in certain cases) the number to seven, and in several of our principal colonies the number of jurors has been reduced and the verdict of a majority taken. And in our County Courts, both in England and Ireland, though unanimity in the jury is required, their number is reduced. The inconvenience of a consultation among twelve persons is too obvious for comment; it is constantly observed that juries divide into knots of three or four, and that these knots seem

each dominated by one powerful mind, who in communication with the other groups represents his knot in what may be called diplomatic transactions. Again, the largeness of the number of the jury lessens the sense of individual responsibility. 'Twelve minds,' in the words of Mr. Scourfield, 'are better than seven, provided all twelve were concentrated on the evidence; but if there was a want of concentration with twelve, a smaller number might be better, so far as it secures closer individual attention.' *The Times*, too, in the article to which I have before referred, says: 'The balance of opinion and experience is in favour of some such reduction.' I would, however, in proposing a reduction in the number of the jury confine my remarks to civil cases. The reasons for a reduction in the number apply equally to criminal cases, but public opinion on this point is adverse to change. 'The public,' says Sir FitzJames Stephen, 'require for their own satisfaction in inflicting punishment that twelve representatives of the bulk of the population shall be satisfied of the guilt of the person accused.' The abolition of the rule whereby the death or illness of a juryman puts an end to the trial must be approved by every one who has considered the question. The existence of such a rule justified the observation of Mr. Scourfield with regard to the Tichborne case, 'that the preservation of the jury seemed to indicate a perfectly providential interposition.'

In the countries where a verdict of the majority of the jury prevails, that verdict is in most cases only received when the jury have been for a specified number of hours in disagreement. This, like the number of the jury and the proportion that should agree to a verdict, are mere questions of detail, and I have not, therefore, touched on them. I would myself be very much inclined to leave the time after which he would receive a verdict of a majority to the discretion of the judge who tried the case, and would be quite competent to form an opinion on the chances of a unanimous agreement. We, however, have only here to do with principle, and I recommend these alterations in the jury system for the reasons I have stated, on the grounds of justice and expediency. It is just, expedient, economic, and tends to certainty in the issue, that the rule requiring twelve jurors and unanimity in their verdict be altered. Proposed reforms in the jury system meet in general with little favour, because they are supposed to be encroachments on our constitutional liberties. For these liberties I yield to none in respect and admiration. The reforms I have proposed in the details touch not the essential character of trial by jury, which is bequeathed to us as a

precious legacy from ages past—the trial of questions of law by the judge, of questions of fact by the jury. I cannot better conclude than in the words of the great constitutional historian, Mr. Hallam, who, in speaking of the various phases of trial by jury, says: 'It maintained without encroachment the grand principle of the Saxon polity, the trial of facts by the country. From this principle (except as to that preposterous relic of barbarism, the requirement of unanimity) may we never swerve—may we never be compelled in wish to swerve—by a contempt of their oaths in jurors and a disregard of the just limits of their trust!'

DISCUSSION.

Mr. William Griffith (London) said before proposing to abolish such a valuable institution as trial by jury, it would be wise to inquire what was to be substituted for it. Mr. Brown had referred to two other modes of trial: (1) by magistrates, and (2) by courts-martial. But he (Mr. Griffith) thought the advantages to be derived from them were not to be compared with those of the jury system. Turning to the records of the past, they found that, when the Tudor and Stuart Kings ruled, the courts were in trials for treason 'little better than caverns of murderers,' and this was attributed partly to the conduct of the judges who swayed the opinions of the jurors. He agreed to a great extent with the writer of the second Paper (Mr. MacNeill), that the chief defence for the safety of life was to be found in the jury institution then existing. The same writer alleged that the wrong and ill done during the time of Titus Oates, and the State trials of that period, were due, not to the juries, but to the judges, who held their commissions during the pleasure of the Crown. Generally speaking that was so, but the sheriffs were not blameless. For his own part, he doubted whether any gain in the administration of justice would be obtained by substituting trial by magistrates for trial by jury. If that course were adopted, he feared that there would be more convictions of innocent persons than under the jury system. Too frequently, magistrates acted on merely written depositions, and often the evidence, when properly sifted, was found to be insufficient to justify the decision come to on the written depositions. With regard to courts-martial, their disadvantages were much greater than those of trial by jury. Mr. Froude, the celebrated historian of Ireland, had said that courts-martial were too prone to use the lash and the pitch cap, and to decide the fate of men at the drum-head, and that without the evidence which magistrates would deem necessary. In comparatively recent times, the manner in which the court-martial was used during the Jamaica Riots had excited the indignation of people at home, and the late Lord Chief-

Justice Cockburn denounced the verdicts of gentlemen given at these tribunals, especially where officers of fifteen years of age were allowed to pronounce sentence of death. When trial by jury had worked so well in times past, its advantages should not be given up lightly. Still, he admitted there were points on which they might improve this admirable system. It had been said there was a great waste of power in summoning so many jurors; but that was rather the fault of the sheriff, with whom rested the discretion as to the number that it was necessary to summon in order to provide a proper panel in every case, than the fault of the jury system. He denied that the challenging was useless; on the contrary it was valuable, for if with it they failed to get a just verdict, what were they to have when challenges were done away with and partisans admitted into the box? Under the practice of challenging, unfit persons were rejected, and the tendency was to secure a body of men more competent to come to a correct decision. The question of unanimity was certainly one of considerable difficulty. In civil cases he did not see why the verdict of the majority should not be taken, but in criminal cases the matter was somewhat doubtful. One of the advantages of unanimity was that it secured a thorough discussion of the merits of the case adjudicated upon, and prevented the jury from performing their duty in a perfunctory manner; the only occasional failure being the escape of a guilty person. With regard to the question of a new trial by way of appeal, that was almost as important as unanimity. It was certainly an innovation on the institution of trial by jury; of course it would not be wise to reopen trials in every case, but if the judge who tried the case gave a certificate that he thought there had been a failure of justice, another trial might then be granted. The adoption of such a course would save the Home Secretary a good deal of trouble, and be of advantage to the people generally. The ignorance, want of education, and lack of intelligence on the part of Irish jurors, to which Baron Deasy had referred, would be remedied in time by the operations of the School Board. Meanwhile there would be no difficulty in raising the qualification. The fact, however, still remained that in itself the jury was a grand institution, an invaluable instrument in social and political education, because those persons who acted on a jury and took an interest in the administration of justice must, in a well-ordered State, receive a training in the principles of self-government and in the discharge of political and manly duties.

Mr. Commissioner MILLER, Q.C., LL.D. (London), confining his remarks to civil cases, said that, so far as they were concerned, he saw no reason for any difference in the jury system as between Ireland and England. What was sauce for the goose was sauce for the gander. His opinion, founded on a not very short experience, was that for civil purposes trial by jury was a system now entirely played out; and, so far from attempting to patch up the system, the right thing to do was to abolish it altogether, except in one or two special cases. His reason for taking that view was that a vast majority of civil cases did not turn on any point of disputed fact at all. Ordinarily there was no great difficulty in ascertaining what the facts were—the difficulty was the application to a new condition of facts of an established principle of law, a matter

with which the jury had nothing to do, but one which it was frequently impossible to prevent them interfering with, except by adopting the roundabout and expensive process of sending the case back for a new trial. The cost of this latter proceeding was seldom less than between 600*l.* and 700*l.*, which was a serious additional burden to throw upon the litigants. Practically, in nine cases out of every ten, if the jury agreed with the judge, they merely amounted to a more expensive way of arriving at the decision; if they disagreed with him, the machinery of the jury system went for nothing; for, if the judge expressed his dissatisfaction with their verdict, the higher court was sure to send the case back for a new trial. There were, however, two classes of cases in which trial by jury was occasionally an advantage. One was where it was admitted that an injury had been committed by the defendant, such that there was no rule which could well be applied to test the value of the injury. Then, the rough and ready rule of thumb by twelve men of common sense arrived at a fixed measure of damages; if not otherwise at least by a process of 'averaging,' which, though not admitted theoretically, was practically done every day; at any rate they assessed damages, whereas if the matter were submitted to judges, the latter would be unwilling to act in an arbitrary way, even in cases which did not admit of a rule. The other class of case seldom occurred: it had happened once only, in his professional experience; yet it was necessary to provide against the possibility of its occurrence. That was, where the evidence on both sides was so evenly balanced by one set of oaths opposed to another set of oaths, that it was absolutely impossible to come to any definite conclusion, without arbitrarily choosing to believe one set of witnesses and disbelieve the other. This no judge liked to have to do, but it was readily done by juries. With those two exceptions, his own view was that now-a-days, when the Judicature was independent of the Crown, when, therefore, there was no reasonable ground for suspecting that the authority of the Crown could possibly be exercised to the prejudice of individual liberties or personal rights, the introduction of juries in civil cases caused merely a multiplication of expense, and nineteen out of every twenty such cases would be better determined by judges of common sense than by a jury, though he admitted that there were some cases in which he should prefer the decision of a trained judge to that of one selected without special aptitude for the particular question—or an arbitrator chosen as being specially competent to give a correct decision to that of an ordinary judge deciding in open court—but in the great mass of cases, he should prefer the decision of a judge, because the latter invariably gave the reason of his decision, while the arbitrator as invariably did not. Investigations before a jury were generally less thorough than those conducted before a judge. He agreed that, where any conflict arose, the evidence should be taken *vivâ voce*. Where no conflict existed as to fact, affidavit evidence was equally good and less expensive, and there was no reason why examination and cross-examination should not when required be conducted before the judge as strictly and as accurately as before a jury. With respect to the admission or rejection of evidence, however, a great advantage was obtained by the absence of a jury. He was himself member of a

tribunal (the Railway Commission), which tried cases without a jury, and cases in which there were frequently conflicts as to questions of fact. Whenever the admission of a doubtful document was opposed he always admitted it *de bene esse* on the ground that, if it turned out not to be evidence, the Commissioners could be trusted to disregard it altogether, which was not the case with a jury. Therefore, in many instances, trial by jury entailed unnecessary expense, and involved unnecessary impediments to the discovery of the truth. Whenever this question could be looked at, free from popular prejudice, and merely with the view of obtaining scientifically the best machinery for the administration of justice between man and man, he hoped, now that we had independent judges and a merely ornamental sovereign authority, that trial by jury would be the exception, and not the rule, in civil cases, both in England and in Ireland.

Mr. J. A. NEALE (London) observed that it was a difficult question to determine what was meant by the unanimity of a jury. Mr. MacNeill's definition differed from that given by Sir J. Fitz-James Stephens, an eminent authority, who had taken some trouble in explaining the meaning of the term. Of the questions which the jury had to consider very many were of comparatively small significance, and agreement in unimportant trifles was not necessary, but the really important thing was that the jury should agree as to the main facts of the case, whether, that is, accused was guilty or not guilty. That was a point which, in the discussion of this subject, ought to be well kept in view. The remarks in Mr. Brown's Paper with respect to challenging, and also the qualification of jurors, were very valuable, and it was to be hoped that the writer's suggestions on those heads would lead to some practical results. In the consideration of the question of Jury Laws, it was all-important to maintain the distinction between civil and criminal cases. In civil matters, generally speaking, the main question could de decided as well by one man as by twelve men; but in criminal trials, where a man's life and reputation hung in the balance, it was necessary that the issue should depend on the decision of twelve men. Two points, therefore, ought to be kept in view, viz. the distinction to be observed in the treatment of civil and criminal cases, and a clear understanding as to the meaning to be attached to the word 'unanimity.'

Sir JOHN SMALE (London) rose chiefly to reply to the question asked in Mr. Brown's Paper as to what would become of 'the benighted and sacrilegious colonies' after abandoning the custom of their forefathers, the sacred number twelve, and the starving of juries into unanimity. For more than twenty years he had taken part in the administration of justice in what might be described as the *ultima Thule* of our colonies, and what had been the result of trial by jury, not of twelve, but of seven men? Although this rule was opposed to the views of the world generally, it was in accordance with common sense. Moreover a verdict of a majority of these seven jurors was accepted in all criminal cases (capital cases alone being excepted, in all which cases unanimity was required for a conviction). At first as Attorney-General, and afterwards for fifteen years as Chief Justice of Hong Kong, he had carefully watched the working of a system considered so extraordinary by Eng-

lish lawyers, and he recollected no single occasion in which the result differed unsatisfactorily from that followed in England. In regard to Sir Francis Smith, whose name had been mentioned in connection with Tasmania, he had the honour of that gentleman's acquaintance, and he thought the opinion of that learned judge most valuable. He had visited Australia with the main object of witnessing the effect of the working of the English law there as in other colonies, and there he found that without the sacred number of twelve, and accepting the verdict of the majority of the jury, the law was administered as satisfactorily as in any other part of Her Majesty's dominions. With respect to jury lists there was one great difficulty, namely, that in increasing the number of special jurors you lowered the tone of common jurors. At all events no juror ought ever to feel that it was a penalty and a personal injury to him to serve the public in that capacity. It was, therefore, advisable that some money payment should be provided for common jurors as well as for special jurors, in order to prevent dissatisfaction on the part of jurors. The serious objection to the insisting on unanimity was probably this, that where one juror held out, his force of will would sometimes prevail over the rest, and a strong will was very frequently a wrong headstrong will. The right of challenge was a dangerous question to handle, and where the verdict of the majority was accepted the right of challenge became far less important. In Hong Kong the coercing of jurors had been dispensed with. The course taken when a jury did not agree in a short time in the box, was to direct the jury to retire and to discuss the question for some hours, and as a last resource to accept the verdict of the majority. The law of Tasmania was especially good in that respect. As to judges being considerate towards jurors, those who had experience in these matters knew full well that when a judge punished a juror he excited an antagonism in the juror which too readily led him to give his voice against what he conceived to be the view of the judge, rather than according to his individual conscience. It might be said that these difficulties could be met by the power of moving for a new trial, and by the consideration of the question on the part of learned judges whose education and long experience in legal matters guided them to right conclusions, but this was a costly remedy. He felt assured that the verdict of the majority might be safely accepted after the cautious exercise of the power of insisting on due deliberation in all criminal cases (not capital), and in all civil suits. In the result the truth would be attained more nearly, he believed, by accepting the verdict of a majority than by insisting on the unanimity of juries.

Lieut.-Colonel C. Raleigh Chichester (Roscommon), speaking as an old soldier, said he was sure that the meeting would sympathise with him if he felt a little jealous as to what had been said respecting courts-martial, particularly after the reference to the Jamaica riots. Possibly during that outbreak the military courts were affected by the general atmosphere of disturbance and perturbation. It was nothing new under the civil law for judges as well as jurors to have shown that external circumstances or inherent prejudices had regrettably warped their power for forming righteous judgments. It was, however, an error to

suppose that officers at the age of fifteen had sat on those courts-martial. For at least sixty years no youths of that age had been admitted to the service as officers. Members of the legal profession very often undervalue the system governing courts-martial; and they do so because they forget or omit to notice that the questions coming before courts-martial are simply questions as to facts, rarely, if ever, questions as to law. Should law points arise they take their law from skilled persons, whose duty it is to expound it to them, and then and *pro tanto*, their office as judges remains in abeyance. Lieut.-Colonel Chichester further remarked that he had sat on numberless courts-martial, on one of which the life of the prisoner was at stake and was forfeited. He had himself presided over many of these courts; he had also civil experiences, as a petty juror, as a grand juror, as a justice of the peace; and he gave it as his deliberate opinion that in no courts was the innocent man so safe, in no courts were the interests of justice more secure, than in courts-martial. It should be remembered that the members of courts-martial, who, except in the case pointed out, are judges as well as jurors, are all men possessing a certain education, fully conscious of the sanctity of an oath, all capable of intelligently dealing with every question likely to come before them, and to avoid their being individually biassed by the opinions of each other, and the junior member always gives his opinion first.

Mr. Brown, Q.C., in reply, said it was fortunate that this discussion had taken place, because it was absolutely certain that in the next session of Parliament the matter must be dealt with. He felt great satisfaction in hearing the testimony of Sir J. Smale, so many years Chief Justice in Hong Kong, as to the practical working of the system advocated in his Paper, and that testimony was the best possible reply to any theoretical objections put forward to the proposed reduction of the number of the jury, and to taking the verdict of a fixed majority in certain cases. In Scotland the decision of the majority was taken even in capital cases; many a man had been hanged there by a majority of one. That had been the established law in Scotland for the last fifty years, and why, he asked, should it not be the law also of England and Ireland. Whenever the verdict was given in criminal cases, whether involving imprisonment or capital punishment, it was subject to revision by the judge who tried the case, and afterwards by the Secretary of State. If the judge saw reason to doubt the propriety of the verdict he reported his opinion to the Secretary of State, who almost invariably acted upon it; so that the practical effect would be that a majority verdict would decide the case where the verdict was satisfactory to the judge, and where unsatisfactory there would be a new trial or an acquittal. For his own part he was satisfied these alterations would have to be made. He believed that the experiment would first be tried in civil cases, and when found satisfactory there it would be extended to criminal cases.

Mr. MacNeill, in his reply, was at issue with Mr. Miller in his contention that civil cases should be decided by judges without a jury, the jury, however, being retained in criminal cases. De Tocqueville did not hesitate to assert his conviction that the jury system, if limited

to criminal trials, would always be in danger, while its power as a great instrument for the education of the people would cease. [Mr. Miller here explained that he desired to retain the jury system no longer, either for criminal or civil cases.] Mr. Miller was consistent in wishing for the total abolition of trial by jury, for its abolition in civil cases would eventually lead to its abolition in criminal trials. The American people were, even in the first flush of a newly acquired constitutional liberty, keenly alive to this fact. The original articles of their constitution, while providing for trial by jury in criminal cases, were silent on the method of trial in civil actions. The Congress at its first sitting was compelled by pressure from without, and in obedience to a strongly expressed public opinion, to pass a supplemental article by which the right of trial by jury in civil cases was, in the words of the American jurist (Mr. Justice Storey), one of its ardent admirers, 'incorporated into and secured in every State constitution in the Union.' The writer of a pamphlet entitled a 'Guide to English Juries by a Person of Quality,' attributed to the pen of Lord Somers, deprecated trial by judges as being sure to lead to mistakes and miscarriages of justice. The trial of cases by professional experts would be conducted more or less in accordance with some preconceived theory of evidence or of the motives of men. On such tendencies the employment of juries was a powerful check. Judges themselves who could not escape obloquy at present would be exposed to still greater calumny and opprobrium if, in addition to the grave responsibilities attaching to their high office, they had the trial of cases exclusively in their own hands.

DISPUTED INTERNATIONAL QUESTIONS.

Is it desirable that there should be Periodical Meetings of Representatives of various States to which all Disputed International Questions should be referred? By Sir SHERSTON BAKER, Bart., Barrister-at-Law.

HOWEVER clear and well defined International law may be on some points, there is no natural tribunal between nations, no authority of sufficient weight to sanction the decisions of jurists, to determine the disputes of nations, or to settle controverted principles of law between them. When individuals differ in regard to their right, the supreme court of justice of their country becomes the ultimate arbiter of their quarrel. There is no appeal from it; its judgments are decisive and final. But not so with nations. Each and every of these is by nature independent of the other, relies on itself, and acknowledges no common arbiter. Therefore, there are no means of enforcing the duties of International law on any of them. There is no superior power to expound their duties,

nor is there any executive to cause the duties, if expounded, to be carried out. Hence, failing sentiments of morality, or failing the fear of incurring hostility from fellow States, there is nothing save an appeal to arms—the *ultima ratio*—on the part of the injured State, to compel a nation to interpret international obligations with honesty, or to follow them at all. The question now before us is, whether it is desirable that there should be periodical meetings of representatives of the various States to which all disputed international questions should be referred; in fact, a sort of Nineteenth Century Areopagus? If, by the reference of questions is to be understood the limitation of referring matters in dispute to collective jurists of different nations for their opinion and advice, and no more, I do not conceive that any one would object to such a proposition. The opinion of such a body would have no binding effect, but their debates might in some cases lend material aid towards elucidating an international difficulty. The forerunner of such a system already exists, not only in the International Law Section of this Association, but in kindred societies, such as the Association for the Reform and Codification of the Law of Nations, and particularly in the 'Institut de Droit International,' consisting of jurists of many nations: the latter society was founded a few years since by M. Rolin-Jaequemyns, the *Ministre de l'Intérieur* of Belgium, for the purpose of promoting study and examination of questions of International law.

If, on the contrary, the question proposes that representatives of various States should act as referees, or arbitrators, in international disputes, most important considerations immediately arise.

Reference of disputed international questions may be divided into two parts. Firstly, private arbitration, a procedure well known to the Roman civil lawyers (who copied it from the Greeks). In this arbitration one or more persons are appointed *pro hac vice*, by the parties in dispute, to adjust their differences; the parties promising to submit to the decision of the person or persons so appointed. Thus Periander effected a reconciliation between Mitylene and Athens. On the same principles, in our own time, the Geneva tribunal for the 'Alabama' claims decided the questions at variance between Great Britain and the United States of America; the Emperor of Germany arbitrated between the same nations concerning the Canal of Haro; and Marshal MacMahon, between this country and Portugal, with respect to Delagoa Bay; arbitrations which, it should not be forgotten, resulted most disad-

vantageously to the interests of this country, and which cannot be expected to enhance our estimation of the value of such references. Secondly, public arbitration, a creature of theory only, in which the tribunal is a lasting one, sanctioned for no one occasion, but for all time, and empowered, with more or less modifications, to settle all disputes arising between the nations creating or adhering to it. Within this category, I apprehend, the suggested meetings of representatives of various States to decide on disputed international questions should be placed.

In referring to public arbitration as a creature of theory, I do not include the councils of the Church, nor the authority of the Pope, during the earlier part of the middle ages. For, although both Popes and councils practically discharged the duties of public arbitrators for Western Christianity during that epoch, they exercised that power rather through a spiritual ascendency than as elected referees. The theory was perfect, and the system proved of immeasurable benefit to States and to mankind in general, during the tide of barbarism and ignorance in which those ages were plunged. This power was, I believe, unchallenged until the pontificate of Boniface VIII.

But the theory of public arbitrators, elected by the consent of various States, is by no means new. In the beginning of the twelfth century Gerohus propounded his ideas for an international arbitration; in 1693–1700 Leibnitz proposed the Pope and Emperor of Germany as joint public arbitrators; in 1713 the Abbé St. Pierre suggested a general league of Christendom to settle international disputes; Jeremy Bentham advocated a common tribunal for the same purpose in 1786-89; Kant, in 1798, proposed a fixed congress of nations to meet when called upon; the New York Peace Society, in 1838, proposed a Board of International Arbitration; James Mill, in 1842, wrote a treatise to the effect that delegates from different Governments should form a code, and should constitute an international tribunal; Mr. Dudley Field, in 1872, published a plan for a court of international arbitration; and in 1874 Dr. Goldschmidt drafted a complete code of 'proposed rules for international tribunals of arbitration.'

Among the schemes which approached nearest to a realisation of the theory, although they were in no sense of general application or universally accepted, was that formulated by the Powers forming part of the Armed Neutrality of 1780, who inserted as an article of their confederacy that the Allies should take measures to obtain for all future maritime wars a 'universal maritime code,' and that of the Holy Alliance of

1815, which, inspired by the Treaty of Vienna, contemplated the advent of a golden age, under the paternal government of the three contracting monarchs; while the Treaty of Paris of the same year (but a few months later) proposed congresses of sovereigns to arrange, without bloodshed, the future disputes of nations. But with what result? Russia, the leader of the Armed Neutrality, was the first to violate its principles in a war with Sweden; and, with the exception of a few improvements with respect to the slave trade, free navigation of rivers, and rules for precedence of ambassadors, which were adopted by all the Powers parties to the Treaty of Vienna, the endeavours to secure a lasting peace became the occasion of disastrous interference with the political constitution of independent States, and the forcible propagation of a particular set of political opinions. In more recent times, the civil war in the United States of America must have tended to discourage the hopes of those who thought that a pacific settlement, through judicial forms of questions, between Federal and State Governments had been permanently established. Even the elaborately organised Federation of the United States could not withstand the shock of conflicting opinions, and the sword, not the toga, became the final arbiter.

With the experience of the past before us, joined to other reasons, of which the following are a few, I incline strongly to the opinion that reference of international questions to representatives of various States would be far from desirable. In the first place, would the delegates, if appointed, ever be able to agree among themselves? Those representing progressive States would be at variance in their opinions with those more conservative; while delegates from republics would be unable to agree with those who came from autocratic sovereignties. The principles of the one would combat the dogmas of the others. Majority of votes alone, not force of principles, would determine the issue of the contest, and convert the Babel of discord into a mere semblance of adjudication. And would these votes be given equally by all delegates, being equal as nations? Or, nations being unequal in power, would the votes only be receivable in the direct ratio of the power of the nation represented? Further, the very difference in the interests of States would open vast questions, which, if investigated and pursued to their logical ends, would be found unmanageable, and land us in the impracticable or even in the absurd. No questions affecting the welfare of nations could be dealt with by delegates of all nations, without deep examination as to what result could be looked for.

The questions involved in matters concerning Commerce alone are gigantic. Nor must we forget that others of equal importance might be dealt with affecting currency, naturalisation, armament, &c. A State, like a private person, must ever be the best judge of what affects its independence or its honour. These attributes are never the same, but vary according to each particular State. Would any State which considered it of vital importance to its dominion to increase its territory, or to rectify a lost boundary when the opportunity offered, ever submit to the opinion of delegates that it was too eager of aggrandisement, or that its action would cause the violation of a treaty? Indeed it is not difficult to conceive that a State might consider these or similar questions involved an all-important right of such absolute essence, of such primary necessity, that it would retain the question within its own direction and control, and would refuse or repudiate the judgment or the determination of any delegates, however learned and upright they might be. The authority of the delegates would always be liable to be suspended or determined by the act of one or more State or States, either by withdrawing their respective delegates, or by refusing to submit to the authority of the reference, and then nothing would be left but war—the *ultima ratio*—not only of kings, but of republics also.

The mutual relations of States being founded on their respective sovereignties (an axiom which is recognised even in war), the joint authority of the reference would necessarily depend entirely upon the individual will of each State. Therefore, any one State withdrawing from the combination, would determine the authority of the reference, or, at least, would suspend it, until a new agreement had been entered into between the other States. Whether a new agreement would or would not be entered into between the other States would (among other circumstances) depend on the private amity or hostility which these States might, under the novel complication caused by the desertion, severally bear not only to the deserting State, but to each other. The reference meanwhile would be in abeyance; the sole method of arbitration would be suspended, and new questions which would daily arise by the operation of constant vicissitude, would be unadjudicated. Manœuvring and procrastination would thus become the order of the day. Also the danger would be most imminent that such a body of international delegates would be disposed, with the view of strengthening their own position, and of levelling States to a general average, to lean in their

decisions against States which might be predominant; and naturally these States would resent such slights. Then on the other hand, an opposite danger is to be apprehended, viz.: that the delegates of old and powerful nations might, by virtue of the support and *prestige* of their States, acquire undue authority and control the reference to the injury of weaker States; just as Austria and Prussia were often contending for the predominance in the German Diet.

By either danger, the liberty of States would be endangered. What, for instance, admits of more delicate distinction in complicated relations than the interpretation whether certain doubtful acts are to be considered as the violation of a treaty or not? In all arbitrations the majority of voices governs the decision. In an International Arbitration the delegates from *military* States would by far outnumber those of *maritime* nations. In all differences, therefore, where the interest of seaboard people was opposed to that of those who were not so, the former would be in peril of being sacrificed by mere preponderance of votes. Who would guarantee the absolute fidelity of the delegates? Who would pretend to say that their decisions would always be based on absolute principles of International Law, free from love of their own country? Nay, might not such arbitrations rather become mere cloaks for political intrigue? At least they would always be open to suspicion, which of itself alone is fatal to any tribunal. For justice should be, like Cæsar's wife, above suspicion.

Again, would the conduct of the delegates always be in keeping with their duty? Who is to determine if they should be alleged to be guilty of any act of omission or of commission? Certain duties appertain to references. What if these duties are violated, what if the delegates exceed their authority? Voet (Ad Pandect. iii. t. viii.) tells us that if a decision of referees be inconsistent with their instructions it is unlawful. *Quis ipsos custodiet custodes?* Who is to decide?

Lastly, should the scheme be adopted, if thereby wars are to be no more, if mankind is then to delight in a perpetual peace, is it not the next logical step to abolish armies? for these exist but for purposes of war. Then, should some question be decided by delegates, adversely to the interest of a State, and that State should refuse to obey the decision, how could the decision be enforced? On what State would the *onus* of enforcing it fall? Or where, in the absence of an armed force, would be the means of doing so? Indeed, history teaches us that the very efforts to preserve the equilibrium of power, and to protect the independence of weaker States, has

led to the most bloody and destructive wars. The very efforts which have resulted in a peace, have but too frequently paved the way for a fresh war. After the battle of Actium it was believed that wars were at an end, and a one and universal Empire was proclaimed. When Augustus closed the Temple of Janus, revolt followed, then civil war and incursions of barbarians for over 300 years. Diocletian sought to make an enduring peace by dividing his Empire, and the associated Emperors made war among themselves for the purpose of re-uniting the Empire. Constantine sought to acquire a lasting peace when he embraced Christianity, but then began the wars between orthodoxy and heresy. In fact, there is no last victory, no definite peace. Progress in the knowledge of International law, cultivation of its principles, removal of ignorance, consolidation of treaties, opinions of jurists, must tend enormously to remove occasions of strife, and to reduce the chances of war. But International law is not yet perfectly defined. It consists only of some customs reduced to theory, and there is much more to be developed. And much as a more perfect application of it might conduce somewhat towards the golden dream, I fear that its problems must ever be in danger of being resolved by Force. 'Nam,' says Cicero, 'sunt duo genera decertandi, unum per disceptationem, alterum per vim, cumque illud proprium sit hominis, hoc belluarum, confugiendum est ad posterius si uti non licet superiore.' The question of the lawfulness of brute force in war having been referred to the great Saint Augustine of Hippo, one of the most learned fathers of the Church, he replied, 'If the Christian law had forbidden all wars, it would have been said to the soldiers who, in the Evangelist, asked the way of salvation, to throw away their arms and abandon the military service. But it had only been said to them, *Do violence to no man, neither accuse any falsely, and be content with your wages.*'[1] Nevertheless, hatred of warfare and the desire for a universal peace are implanted in the mind of mankind. From this idea sprang the fable of Astrea, the heavenly virgin who returned to heaven at the close of the reign of Saturn, and who is once again to revisit the earth, bestowing an endless peace, serene and pure, as the light which brightens the Elysian Fields. This is the fancied epoch, toward which all our aspirations naturally lead us. And as time passes away, and when war rages and the horror of the age of iron presses on us, peace becomes the favoured goddess. We begin to detest war as an infernal monster. It is to this tendency of minds towards peace, to

[1] St. August. oper., Epist. pp. 136–238.

this ancient hope of a termination of warfare that spring the many and sincere endeavours of moralists and of philanthropists to secure the long-hoped-for treasure; but in this end of the nineteenth century, with the experience of the past to teach us, I fear I must pronounce universal peace and international arbitration to be dreams, beautiful if you will, but still only dreams.

On the Same.

By C. H. E. Carmichael, M.A.

It is not very long since a distinguished peer, at that time holding the reins of government in this country, returned from a very famous Conference, and was acclaimed as having brought back 'Peace with honour.' The Conference had been one of the highest importance to the peace of Europe. Upon its decisions, that is, in fact, upon the harmonious maintenance of what was, either sarcastically or sincerely, denominated the European Concert, depended the issues of peace or war, and the war which would have resulted from the failure of the Conference would unquestionably have been not only European, but a European disaster. It was thought by many, when the Earl of Beaconsfield and the Marquis of Salisbury returned from Berlin, that a new panacea had been found for the ills of war, certainly not the least of the ills to which our flesh is heir.

This feeling found early expression in a resolution of the conference of the Association for the Reform and Codification of the Law of Nations, at its Frankfort Session, 20th–23rd August, 1878, little more than a month after the Treaty of Berlin was signed. The words of this resolution may be worth transcribing, as embodying the view taken of such conferences as those which form the subject of the present discussion by a mixed body of jurists, statesmen, merchants, and men of letters. The resolution, proposed by the well-known American jurist, Hon. David Dudley Field, was seconded by Herr Stollmeyer, and supported by Professor Peabody, of Harvard University, Cambridge, Mass., and was couched in the following terms:—'Whereas since the last conference of the Association a congress of nations has been held, by which international differences of the most intricate and difficult character have been adjusted, and war, which seemed to be impending, has been arrested, the Association takes this occasion to congratulate the people of the countries which would, but for this adjust-

ment, have suffered the unspeakable calamities of war, and to commend the example to the consideration of the world. The Arbitration of Geneva and the Congress of Berlin are undeniable proofs that a better way has been found for settling the disputes of nations than the chances of war.'[1]

This resolution seems to me very useful for the present purpose, as containing the kernel of the argument in favour of conferences of representatives of different States. It hails them as 'a better way for settling the disputes of nations than the chances of war.' Practically, therefore, the question is the same as that concerning the value of arbitration as a means of lessening, if not absolutely preventing, war. The resolution itself likens the Conference of Berlin to the 'Alabama' Arbitration at Geneva. In so far as it accepts this form, or these forms, of arbitration, it prefers, I think, or at least accepts, the principle of a court constituted *pro hac vice* to the principle, which has been hitherto perhaps more strongly advocated, of a permanent court of international arbitration. And in so doing it probably accepts the possible instead of the impossible, or, at any rate, less possible. Nevertheless, if we consider the many and intricate combinations of politics, national and international, which cannot but have a more or less direct influence on the success of conferences of the representatives of various States, it may remain a question whether a permanent court, if it ever came to be constituted, would not in the long-run have greater power for keeping the peace of Europe. Doubtless the difficulties in the way of its constitution are very serious, perhaps insuperable. And it would be necessary to give its members, for their security and independence, that protection, or its equivalent, which the members of a conference enjoy from their diplomatic character. It may seem a curious fact that writers who would apparently, for no good reason that I am able to see, limit the immunities of ordinary diplomatic representatives, manifest no desire to diminish, but, if anything, to augment, the immunities of extraordinary diplomatic representatives, such as those sent to a conference of States. Mr. W. E. Hall, in his recent work on 'International Law,' is an instance in point. While I cannot profess agreement with what I understand to be the meaning of Mr. Hall's language on the ordinary immunities, I necessarily coincide in allowing all that he would allow to extraordinary representatives. For were these privileges to be curtailed it seems obvious that there would be little use in holding a conference at all. And I am

[1] *Report of the Sixth Annual Conference*, held at Frankfort-on-the-Main, August 20-23, 1878, p. 91 (London, 1879).

not sure that there would be much use in accrediting an ordinary ambassador or minister on any other than the present footing of immunities. When Mr. Hall says ('International Law,' Oxford, 1880, pp. 256-57) that 'there is no practical reason' for the immunities of a diplomatic agent; that 'he does not represent his country except when he is actually engaged in his diplomatic business,'[1] he uses language which, if I understand it rightly, seems to strike at the root of the security and freedom of action of resident diplomatic agents. And such language scarcely appears consistent with the large concessions which the same writer is willing to make, in fact does expressly and pointedly make, in favour of diplomatic agents on extraordinary mission at a congress. 'The case of negotiators at a congress or conference,' says Mr. Hall (*op. cit.* p. 257), 'is exceptional. Though they are not accredited to the Government of the State in which it is held, they are entitled to complete diplomatic privileges, they being as a matter of fact representative of their State and engaged in the exercise of diplomatic functions.' It is no part of my present task to uphold the immunities of resident agents, or to detract from the just immunities of temporary and special agents at a conference. But I must observe that any diminution of the privileges hitherto understood to be accorded to resident ministers would *pro tanto*, it appears to me, have an injurious effect on the position and immunities of a special agent. Therefore, I do not think that I can be held to have travelled outside the limits of the question before me, in the remarks which I have deemed it right to offer on an important point in the Public Law of Nations, as I find it treated by a very recent English text-writer. Granting, for my present purpose, as indeed I should for any purpose, the fullest diplomatic immunities to the representatives of the various States in conference assembled, it is necessary to consider as a practical question what results are, generally speaking, likely to flow from such meetings. In the first place, it is obviously a pre-requisite to their successful issue that the concert of States should be preserved throughout. In other words, an overwhelming majority must share the same views on the chief points at issue, and must uphold a substantially identical policy.

This, on the whole, may be said to have been the case at Berlin, and at the later Conference at Constantinople, of which

[1] This language would perhaps cover a recent case at St. Petersburg, where an applicant for the protection of the British Embassy was told that he had called 'after office hours.' There was, it might then have been said, nobody 'engaged in diplomatic business.' But this would probably, on the whole, be found an awkward theory to square with legatine privileges, as hitherto understood.

our special ambassador there has told us something since his return. It fortunately happened that in 1871, as in 1880–81, the great Western Powers were anxious to avoid a war which they knew to be of all wars most likely to be European in its extent. That is to say, the several States recognised the existence within most of their borders of highly dangerous explosive material, the dynamite of races and nationalities; and self-interest, if no higher motive came into play, must have dictated the course which they actually pursued. I am far from wishing to suggest that higher motives would not come into play, or that diplomatic tradition is not, as such, generally in favour of peace, if it may be had consistently with other traditions which even diplomatists cannot always ignore. But I cannot believe that the same harmony would at all times prevail. I do not think that history teaches us that it has universally so prevailed. And I am not sure that absolute failure in attaining the objects of a conference would not strengthen the hands of a war party, which is generally to be found in all countries, though it may not always have the upper hand. I should, therefore, incline for the sake of the ultimate success of the principle which underlies conferences, viz.: the principle of arbitration as a duty morally incumbent upon nations before the last resort of war (to use a formula which had the high support of Dr. Bluntschli at the Brussels Conference of 1873),[1] to urge that conferences such as are contemplated in the present discussion should be occasional, not periodical. To this extent, it will be seen, my answer to the question under consideration is a negative answer. The principle of conferences in itself, I of course recognise as a principle of the modern law of nations.[2] It may probably even be traced back for many ages in the world's history,

[1] The Foundation Conference of the Association for the Reform and Codification of the Law of Nations. I give the tenor of the formula from my personal recollections of the meeting. I am quite certain of the distinction which Professor Bluntschli drew between the *moral* and *juridical* obligation to resort to arbitration before declaring war. The former he admitted, the latter he could not admit.

[2] It is perhaps curious that conferences do not seem to be so much as alluded to in an otherwise elaborate and certainly interesting article entitled 'How can War be Prevented?' in the *American Law Review* (Boston) for January 1876. The writer, however, does suggest another method than that here under discussion, viz., the personal intervention of rulers, as in the real or supposed interposition of the late Czar with Prince Bismarck, which was held to have just then prevented the calamity of a fresh outbreak of hostilities between Germany and France. 'In this instance,' says the writer, 'the external diplomatic pressure by a neutral acting in the interests of peace was carried to its highest degree. It indicates, perhaps, the means and method by which unnecessary wars, those of mere personal ambition, of conquest, and territorial acquisition, may in the future be prevented.' I fear that, in reality, it indicates nothing of the kind, nothing more in fact than a temporary and personal act of an individual monarch.

under different names, and under forms varying with the received ideas of the day.

M. Michel Chevalier, writing on 'International Law, its checks and its vicissitudes,' in the *Revue des Deux Mondes* for May 15, 1872, reminds us of the Amphictyony, a tribunal which, as he caustically observes, 'was intended to prevent the Greeks from making war upon each other, and which succeeded, now and then!'

In the Middle Ages, something like a permanent court of international arbitration existed in the persons of the Emperor and the Pope, each of whom practically claimed identical powers, and got them allowed, more or less. Of less formal authority than Pope or Emperor, conferences occasionally met during the mediæval period of Western History. Such was that gathering of representatives of the States of the German Kingdom in the Hall of the Hansa, in episcopal and commercial Cologne, of which the Burgomaster reminded the recent gathering in the same hall of the purely informal representatives of many nations, assembled to promote the reform and codification of the Law of Nations. Reminding the members that their aims were not new, the Burgomaster went on to say:[1] 'It is now 514 years ago, and in thisvery hall, that a congress assembled for the reform and codification of international law. At that meeting there were delegates from the Netherlands and from the Baltic cities, who solemnly swore to employ their united efforts to defend the freedom of the sea against sea robbers, and from the depredations of pirates, by all the available means in their power.' That mediæval conference of Cologne was strong in the united feeling of which it was the expression. The recent conference of Berlin was equally strong, it may well be believed, in the desire which animated those who took part in it to stave off the definitive solution of the Eastern Question. And it was therefore also strong in the power at its back, that of the States which did not want war. Yet with all this might in the forefront and in the background, how large a portion of the plans traced out by the Berlin Conference does not still remain unperformed, how many of its promised reforms are not unfulfilled! It has required a fresh conference of specially instructed envoys at Constantinople to keep the peace patched up at Berlin. Where the long-talked of reforms are, is a question which would doubtless be answered differently by Turks, and by Greeks and Armenians in Asia Minor. The former would perhaps

[1] I cite from the text given in the Letter of the correspondent of the *Standard*, published August 18, 1881.

say 'they are coming,' the latter would add, 'at the Greek Kalends!' Where, for instance, ask the Armenians, is to be found the performance of Article 61 of the Treaty of Berlin?[1] Where but in the gradual depopulation of Armenia, at the hand alike of Kurds, the disturbers of order, and of Ottoman soldiers, the 'restorers' of order?[2] So order once reigned, it is said, in Warsaw. If the efforts of the so styled European Concert have not succeeded in carrying into the slightest semblance of effect more than one crucial article of a treaty negotiated at so strong a conference as that of Berlin in 1878, what might be expected to come of less united, less powerful conferences? The weakening, I cannot but think, of public respect for and belief in conferences, as organs of the Public Law of Nations. Such a weakening is the last thing that I desire. Hence my argument is that conferences should be summoned only as occasion arises, when public feeling shall have been so aroused as to give them a right to speak in the name of the nations. If held periodically, it may be feared that their chance of producing any effect would be but slight, when we consider the very scanty results which in some highly important particulars have flowed from the Conference of Berlin. The delegating nations alone give any authority to the arrangements made in their respective names by their representatives in conference assembled. A conference to whose periodical assembly Europe should pay little more heed than to professedly unauthoritative meetings such as those of the British Association or Social Science Congress, would in its ultimate results, I conceive, be little short of a disaster as regards the establishment or preservation of peace in Europe through the prevalence of the Law of Nations. I am quite in harmony with those who would say, 'let the law prevail.' Only let us find the best means to secure this end, and then let us adopt them. The establishment of the 'United States of Europe,' which was the vision of Carlo Cattaneo, I can only, with M. Chevalier, regard as a dream. Nor am I able to regard in any other

[1] The text of this article, it may be remembered, ran thus:—'La Sublime Porte s'engage à réaliser, sans plus de retard, les améliorations et les réformes qu'exigent les besoins locaux dans les provinces habitées par les Arméniens et à garantir leur sécurité contre les Circassiens et les Kurdes. Elle donnera connaissance périodiquement des mesures prises à cet effet aux puissances qui en surveilleront l'application.' (*L'Article* 61 *du Traité de Berlin.* Constantinople, 1879. Cf. the English text in Boyd's Wheaton, London, 1880, p. 728.) I do not forget, of course, that a certain measure of blame, and that no inconsiderable one to my mind, rests with the Powers who undertook to watch the carrying out of the reforms which they took so much pains to exact on paper.

[2] *L'Article* 61 *du Traité de Berlin.* Constantinople. Imprimerie Orientale, 1879. The author of this pamphlet estimates that the Christian population of Armenia has dwindled to one-fourth of its total of thirty years ago.

light the 'Republic of States,' which Leibnitz would have governed by means of a permanent council; or the scheme of an 'International Government,' elaborately sketched out as his solution of the final problem of International Law, by Professor Lorimer, in the *Revue de Droit International*, 1877, pp. 161–206. The establishment of a permanent court of International Arbitration, strongly urged of late by not a few European and American writers, I equally regard as a dream. But if it could be realised, I think I should prefer it to a system of periodical conferences, which I must say seems to me to lack on the one hand the strength conceivably attaching to a permanent institution, and, on the other hand, the power conceivably wielded by a conference summoned *ad hoc*, to restore the disturbed peace of the nations.

It will have been sufficiently obvious, I trust, that I have treated the principle of conferences as a principle *juris gentium*, and as one of the means to be employed for the prevention or mitigation of the evils of war. It is a particular application of the principle to which, and to which alone, such criticisms as I have ventured to offer have been directed. Of any conference when once summoned, as long as it remained true to its mission, I should always be ready to say, *Beati Pacifici.*

On the Same.

By His Excellency Don Arturo de Marcoartu, Ex-Deputy to the Spanish Cortes.

(Abstract.)

If Europe is not to be converted into barracks and arsenals, and overrun by millions of desperadoes and mendicants; if Europe, in arms and oppressed by debt and pauperism, does not wish to see its markets filled with the products of fifty millions of Americans, who only maintain an army of 25,000 men notwithstanding their immensely greater territory; if our contemporary legions of Attila are not allowed to degrade our European civilisation, and ruin our now flourishing communities by wars of nationality, wars of race, wars of social classes; if the sun of civilisation is not to withdraw from the Old World, leaving Europe in the fearful shadows of war, emigration, and famine, while America and Africa become the continents of the future—then it is imperatively necessary that the representative system should be introduced into the international policy of Europe.

An International Parliament and supreme tribunal should

be created, composed of representatives from all countries. The parliament will establish the primary laws and the bases of agreements and treaties between nations. The tribunal will hear disputes, and apply these laws. The parliament will sit when and as long as may be necessary. The tribunal will be permanent, though its magistrates may be changed.

I do not pretend to have discovered the solution of the problem, but any international regime would be better than the present, which has cost Europe millions of lives and millions of treasures, and torn to fragments hundreds of treaties of peace.

In conclusion, it is necessary to fight manfully against the ignorance, the misery, and against that barbarous despotism which immediately resorts to war. And, therefore, it is necessary—

1st. To introduce the representative system, the one most perfect for governing states, to be applied to the international regime.

2nd. To admit at the European Congress not only Spain —which to-day, on account of her progress and civilisation, is entitled to that rank, having regard to her past history all over the world, the regions in which her language is spoken, the countries over which her banner waves, the seas which encircle her territories, and because of her formerly lofty position—but at the same time the representatives of all the civilised states should be admitted as members, not limiting that assembly, as at present, to those representing political parties in office, but appointing delegates who should represent the majority as well the minority of the legislature and jurisconsults appointed by the high tribunal and the Universities of each nation.

3rd. To decide in this International Parliament the leading laws which should regulate the political, economical, and commercial relations of states with each other, or permanently settle the conditions of their international intercourse, money, weights, measures, treaties and codes of commerce, and frame regulations to guide states in their normal or abnormal, permanent or accidental relations, whether during peace, war, or the interregnum of conflicts.

In the meantime, whilst the Great Powers reform the international regime, it is advisable that an alliance should be at once formed between the minor nations—Spain, Portugal, Belgium, Netherlands, Scandinavia, Greece, Roumania, and Switzerland, for these countries comprehend a population of sixty millions, in view:

1st. To ask from the existing Congress of the Great Powers

their autonomical and inalienable rights and their emancipation from the vassalage of these Great Powers.

2nd. To establish the International Parliament of the minor States, promoting the development of the great interests of peace; doing all to avoid war by international compromises, and thus ensuring, as far as possible, that the principles of civilisation and humanity should become permanent.

3rd. To negotiate at once, between the minor States and those of the Great Powers who are willing, treaties of arbitration, pointing out the tribunals to whom all international difficulties will be submitted.

4th. To enter into defensive alliances between neighbouring nations, such as Spain and Portugal, Belgium and Netherlands, and the Scandinavian States, under defined conditions which would diminish the army and navy expenditure of each State.

5th. To promote liberal customs unions (Zollverein) between bordering States.

The nations that will follow such sound, moral, and progressive policy will find their prosperity advanced, taxes reduced, cost of production diminished, and will be better able to compete in the world of commerce. The subjects of such minor nations will enjoy more liberty, will become more attached to their ruling monarchs, and would, if a necessity existed, be more able to undergo sacrifices for their country. They will not be exposed to catastrophe like that of Sedan, or incendiarism like that of Paris.

It is a law of history that the martyrs of Religion, Philosophy, Liberty, and Civilisation have been in the end more powerful than any force, however great, which opposed them.

The intelligent races which resolve to be guided by sound principles will successfully overcome the evil iufluence of any Great Power not acting in accordance with the laws of humanity and justice.

The blood of the victims calls to the European Congress: 'Open your doors to all free and civilised nations'—'International Reform'—'The right of deciding war belongs to the universal suffrage of the nation.'

DISCUSSION.

Mr. Quill (Dublin) was inclined to take the optimist view of the writer of the third Paper (His Excellency Don Arturo De Marcoartu) rather than the pessimist conclusions of Sir Sherston Baker and Mr.

Carmichael, the authors of the first and second essays. One of the most favourite ways of answering the proposition of universal international arbitration was the popular objection that human nature had always remained the same. Eminent men of all times and in all countries had said that, notwithstanding the gloss and varnish of civilisation, all the darker passions still existed in the human breast. As long, they observed, as the force of revenge and the other darker passions remained, all the gloss of civilisation would be powerless to suppress their outcome. *Ecrattez le Russe et vous trouverez un Tartare* was, they said, a principle which applied to humanity at large. But, despite the popular mode of pooh-poohing the idea of international arbitration by asserting its impracticability, there was fair proof that the force of the proposition would at no distant date vividly dawn upon the world, and that the prophetic picture of Tennyson, although drawn in one of the highest flights of poetic fervour, would some day be realised—

> 'When the war-drum throbs no longer, and the battle-flag is furl'd,
> In the Parliament of man, the federation of the world,'

a gradual approach was being made towards that desired consummation as the means of settling disputes among nations. Whether the cause was a just or a wrong one, savages always settled disputes by the sword or the bowie-knife, but as civilisation advanced there was a growing tendency on the part of disputing nations to justify their proceedings under the colour of right. The language of Grotius was always the colour thrown over their wars by modern nations—*nullum bellum nisi necessarium.* It was remarkable that so many impending, or probable, wars had been averted of late years by recourse to arbitration. There was the 'Alabama' case, in respect of which England paid to the United States their claim of £4,000,000 sterling, and then, as a kind of salve to the pride of John Bull, £400,000 was paid by America to England, after the mixed commission had carefully investigated the claims submitted to their consideration. In 1875 Marshal MacMahon, as President of the French Republic, delivered an award in the Delagoa Bay case, and thereby settled a dispute between England and Portugal as to the possession of that and surrounding territory. Disputes between Persia and Afghanistan, also between China and Japan, had been settled by arbitration. Above all these was the great international arbitration at Berlin, in which the foremost statesmen of Europe took part, a prominent position being occupied by the late Earl of Beaconsfield amongst the leading representatives of the greatest nations in the world. During the last ten years no fewer than twenty difficult, dangerous, and perplexing questions had been determined by arbitration instead of the arbitrament of war—a fact showing most conclusively that, as a means of settling disputes, the principle of international arbitration was triumphing. Although there was yet no settled scheme of international arbitration, casual arbitration had in recent years averted several wars in which the loss of human life would have doubtless been enormous. Because every war was not averted, would that justify the conclusion that international arbitration was only a dream? There were certainly cases when

violent passions swept away all reason, and war was resorted to; but the bullet did not determine which disputant was in the right and which was in the wrong; the cannon-ball, when discharged, did not decide who was guilty of iniquity and who had right on his side. The view of His Excellency, who read the third Paper, contained the germ of practical reality. Facts declared that the principle was far from being Utopian; it was in actual operation, though it had not been embodied in a scheme as yet.

Mr. Dudley Field (New York) did not think the world was yet ripe for the adoption of the principle embodied in the early part of the special question, viz., periodical meetings of representatives of various States for the purpose desired. With regard to the general question of arbitration for the settlement of international disputes, no one would deny that war was a monstrous evil. It was recorded by Moore that the late Duke of Wellington, when driving with Sir Walter Scott, actually shed tears as, reflecting on his battles, he exclaimed, 'There is nothing worse than a battle gained, except a battle lost.' Of all the evils that afflicted mankind war was the greatest. One of the most unreasonable things in the world, that no philosopher, no Christian could uphold for a moment, was war, involving the slaughter of hundreds of thousands of human beings, most of them innocent of any participation in the dispute, whether between Governments or other Powers. What, then, was the remedy for the evil? There was none but a settlement of the dispute by a conference of the Powers concerned, or by submitting the question to some third party. This had been done in minor disputes. At one time all Europe was covered with castles, and fighting for their occupation was constantly going on. It might in that case have been said as in this—'Do you expect to control the Duke of Burgundy or the Sovereigns of Poictiers? What is the use of binding, or attempting to bind, by any agreement?' Society could not exist under the present state of things, and if a body politic could not be formed to coerce the disputants, there must be an agreement to refer the matters contested to the settlement of a third party. He hoped it would in time become a settled doctrine of international law that a nation which begins a war before an earnest endeavour to settle its disputes by conference and arbitration shall be accounted an enemy of the human race. What was the objection of Sir S. Baker? That all questions could not be settled by arbitration. Granted. But did that prove that none could? Was that logic anywhere? Take an example. It was a long age before Spain acknowledged the independence of Holland. He, for one, would not have had Holland, if Spain claimed the sovereignty of that country, submit to arbitration whether she should be free or not—never. He would never submit to arbitration whether his child should be his. There were questions, both private and public, that you did not submit to anybody, except your own self. You dealt with them as between yourself and your Maker; but there was a vast number of questions, and they were the greater number, which you could settle by reference to a third person. What were the sanctions of a treaty, or of a code, which was an extended treaty? Were there no sanctions except that of force?

Was not the law of honour something? In private life was not a debt of honour more sacred than a debt of law? In the case of the 'Alabama,' did England pay the claim of the United States from fear? Was it because she thought the American forces would come over and batter down Liverpool, to be followed by the English power going across the Atlantic to batter down New York? No; England paid the money because she agreed to pay it, and she agreed to abide by the arbitration of five 'cute men sitting together at a table. Like a noble, generous nation, she discharged the claim without saying a word, although there were many persons who thought the award was not quite enough. The argument, that because you could not enforce an agreement to submit, was in reality no argument at all, except against all agreement whatever. An answer to the whole argument against arbitration was contained in the cogent facts quoted by Mr. Quill from a paper read by Mr. Richard, M.P., at the Cologne Conference of the Association for the Reform and Codification of the Law of Nations. Since the formation of that association there had been thirty international arbitrations without which there would have been war, including the famous arbitration at Berlin. But for that assembling of the Powers, the whole of the European continent, from St. Petersburg to Constantinople, and from Constantinople to Gibraltar, would have been in a state of war. Whether the settlement of the seventeen or eighteen questions in dispute was a just or an unjust settlement at that Berlin Conference, it was far better than any war that could happen. The American civil war had been cited as an instance of the inability to make nations abide by agreements; but, he asked, was that experiment likely to be repeated? No; that war had settled for ever, so far as the American nation was concerned, that no party would seek again to break a contract. War must be greatly prevented by encouraging pacific relations, and especially by impressing upon the minds of all men that war was a horrible thing at the best, and in most cases a dreadful crime. The dissemination of that idea would tend to induce nations to refer their disputes to conferences, or if that could not be done, to agree to have them determined by a third party.

Mr. Tito Pagliardini (London) approved of the last Paper because it sustained hope with regard to this question, whereas the first and second learned Papers killed it. The latter looked a little too much to the past, but the former considered the views of the present generation, which were more advanced than some persons appeared to imagine. The past had its lessons, but history only repeats itself when all the principal circumstances are the same; and steam, electricity, and the vast extension of printing have so altered these circumstances by facilitating the intercommunication of nations, that we should not frame our present conduct exclusively upon its teachings. A public opinion was now being formed on this question. Those who would, ere long, have a predominating voice in the government of the country, viz., the whole body of the nation, through universal suffrage, had been educated, or were educating themselves, into a hatred of war. The Workmen's Peace Association was providing this kind of education; it had more than 1,000 agents in every part of Great Britain, and these agents were

representative of all the intellectual working classes; they were either presidents or secretaries of the different workmen's unions, and they represented the opinions of the whole of their body, because they could not send up a vote to London except by consent of the whole body to which they belonged. In that sense, therefore, the Workmen's Peace Association might be said to represent nearly half a million of those who formed the nerves and sinews of armies. These men had determined on peace. At the Trades Union Congress held in London lately they were all in favour of peace. About four years ago the same principles were communicated to Italian workmen in an address, written by himself in the name of the Workmen's Peace Association in London, and circulated to the extent of 10,000 copies amongst all the workmen's unions in Italy. Public opinion in Italy was stirred on the question. The address was much discussed in the local press, and a year later, at Milan, an International Peace Association was established. At the inaugural meeting, held in the largest theatre of Milan, there were present amongst the speakers a large number of Italian deputies and senators; delegates also attended from all parts of Italy; and on the vote being taken it was found to be in favour of international arbitration as against war. A similar gathering was held in Paris three years ago; and now that between seven and eight million landowners in France had a decided voice in the government of the nation, he felt sure that the next assembly would be absolutely a peace-legislating assembly. The Tunisian war was unpopular in France. The people were taken unawares respecting that war, as it was entered upon before they hardly knew of it. The Government of France became unpopular, partly in consequence of their war policy. The fault was rather on the part of two or three men, remnants, probably, of the old warlike empire, than on the part of President Grévy. It was they, and not he, who started the war, and now they were most anxious that something should be done one way or the other, because they feared the votes of the people. The Germans showed their detestation of war by emigrating—the only course they could take. Mr. Richard, M.P., had travelled all over Europe and America on his peaceful mission, addressing the Ministers and legislative bodies of all the different nations, including five of the most enlightened, viz., England, France, Italy, Belgium, and Holland. The Scandinavian States, and the United States of America, had passed resolutions in their legislative assemblies in favour of arbitration. The formation of this public opinion would cast into the shade all the fears that were founded merely on past facts. These past facts were neither induced nor directed by public opinion. Sovereigns made wars, and people were obliged to fight them out without being asked. The wars of the last century had public opinion in England against them. But public opinion was then powerless. Had the great mass of the English people been consulted, they would not have gone to war with France in the last century. He believed that the press of Europe would now make its influence felt in this question, and cause the influence of the million to stop the ambition of the few. As to the argument that human nature was always the same, and that we were naturally a fighting race, he denied that we were

naturally a fighting race. We were an active race, and there was ample scope for activity in fighting rocks, and seas, and deserts; for example, he would only mention cutting a canal through the Isthmus of Suez, forming the Panama Canal, or the piercing the Alps. These were natural enemies which invited attack, and which did not retaliate. We were getting out of the state of savageism, and with the advance of civilisation would come progress in regard to this question. What had commenced with duelling would end in the arbitration of an international congress. In his work, entitled *Essai sur l'Analogie des Langues*, and published in Paris in 1847, he advocated an international congress, the members of which should be freely elected, not as representatives of a court, not purely as diplomatists, but men that each nation by universal suffrage should send up for a specified time—say for three or five years—men of eminence in whom people would have the greatest confidence. A congress thus constituted would be of the nature of an international Parliament. With regard to the place where such a parliament should assemble, he would recommend Constantinople, which seemed created by Providence for such a purpose, and which ought to be neither Turkish, nor Russian, nor even Greek. Politically it ought to be a free town, an independent, neutral, central city, where every nation, great and small, should be represented.

Mr. Griffith (London) remarked that writers upon international law and jurisprudence generally stated that some obligations were imperfect and some perfect. By an imperfect obligation they meant not one that was not binding in conscience, but one that had not the sanction of a legal force to carry it out. In that respect, undoubtedly, municipal law had the advantage over international law, and if anything could be done by which we might cause international law to approach thereto, it would certainly be a great improvement. Mr. Dudley Field had observed that there were some obligations which rested between man and his conscience, between man and his Maker. It was sought to give greater force to those obligations of natural law, by clothing them with the legal sanction and force of some tribunal; but the question arose whether such an improvement was feasible and practicable. Sir S. Baker had adduced the armed neutrality and Holy Alliance as instances of treaty failures and consequent wars, but those cases were perfectly distinguishable from the question under consideration. The armed neutrality and Holy Alliance were treaties designed not for the purpose of settling disputes which might not arise, but for bringing the parties together upon a perfectly novel principle, and enforcing that principle, if necessary, by an appeal to arms or by other means. The principle of armed neutrality was to maintain the maritime supremacy of the European nations against the ascendency of England. The principle of the Holy Alliance, which was brought forward by the Emperor of Russia and other Sovereigns, was that the revolutionary excesses had been so great that the European governments ought to be united and, if possible, stop any further revolution. But what had that to do with the present question? The celebrated statesman, Mr. Canning, declared that such a principle could not be adopted in English politics. It was a principle altogether ab-

horrent to the English nation. Therefore, the failure of the Holy Alliance to carry out its projects was no argument against the proposition of international arbitration. With reference to human nature, it was because human nature was bad, and some statesmen were ambitious, and many politicians selfish, that the law was required to keep order, to uphold the right, put down the wrong, protect the weak, and, if necessary, to reduce the oppressor. These arguments appeared to afford reasons for a still further improvement of the law, not for retrograding and going back. As to the question of fact, was this proposal likely to be successful? The great improvements which had taken place in public opinion, in modern times, certainly gave force and sanction to the efforts that had been made to settle disputes by arbitration, within the last generation. Besides those already mentioned, there was the boundary dispute between Switzerland and Italy, the Seistan Arbitration, and the Asiatic Arbitration, presided over by Ex-President Grant. Japan and Peru had followed in the right path by preferring the decision of honourable men to the doubtful arbitrament of war. The cases were numerous. Here was the Halifax (N.S.) Fishery Commission, the mutual action of the two republics of France and Nicaragua, with reference to the question of the seizure of a French ship by the government of Nicaragua. There could be no doubt that the Treaty of Berlin had averted a European war. With such instances of successful arbitration the question had gone beyond the province of mere desire, and had proved to be feasible and practicable. This system of reference would have the additional advantage of exercising influence in deciding disputes affecting the property of private persons. The reference of these latter questions would have to be made subject to the sanction of the governments concerned. The international marriage law question was suitable for reference to such a tribunal, since there were conflicting views with regard to it among different States. Disputes concerning maritime law, and law relating to charter parties, might, with great wisdom, be referred to international arbitration for the redress of anomalies. The writer of the first Paper had spoken of an international law as a collection of customs. To that statement exception might be taken. The ablest authorities upon international law divided it into parts—that constituted by the law of nature, and that called positive law resting on treaty and agreement. Had the writers of the Papers once admitted that division, they would have been obliged to pay more regard than they had done to those important principles which actuated human nature generally. International law usually applied to the nations of Christendom—those nations which professed Christianity and followed the principles and law of Christendom. But the law of nature affected savages and barbarians as well as others; it ruled Mohamedans no less than Christians, and the inhabitants of China no less than the inhabitants of America. The Japanese were subject to the same law; recently they had entered into treaties with us, and there was now a Japanese ambassador at St. James's. If, however, a court of arbitration were established, a common ground would be found on which we could associate with Mohamedans, Japanese, and Chinese, and we might per-

haps instruct them in other principles, including those possibly of Christianity itself. With regard to public opinion in England, there could be no doubt that it was growing daily in favour of the principle of arbitration. Not many days since, he attended the Methodist Œcumenical Conference, at which were present a considerable number of American delegates—men whose influence sometimes turned the election of the President of the United States—and at the Conference resolutions were passed in favour of arbitration. That was a proof of the fact that public opinion was becoming more enlightened and powerful upon this question, and that, if any Government should see its way to refer its disputes to arbitration, it would have the mass of mankind voting with it.

Professor H. Brougham Leech (University of Dublin) regarded this question as the most important one proposed for discussion at the Congress. Considering the number of persons whose interests were concerned in its proper solution, that person would be the greatest benefactor of the human race who could propound a really practicable scheme having the effect which, however they might now disagree as to the means, they were unanimous in desiring. He, for one, however, did not approach the consideration of the question in anything like a sanguine spirit. Efforts had been made in ancient times as well as in our own to put a stop to war by means of arbitration; yet after a lapse of upwards of two thousand years, including eighteen centuries of Christianity, it did not seem that much progress had been made. Allusions had been made by the essayists to some of these ancient arbitrations. He would mention a most remarkable chapter in the history of that subject. In the course of the quarrel which led up to the Peloponnesian War, the Athenians more than once offered to submit to a reference upon the whole question; this offer was refused by the Spartans though pressed upon them by their King Archidamus, who declared that it was not lawful (*νόμιμον*) to proceed before trial against one who offered such satisfaction. In the discussion before the Athenian Assembly, Pericles, as reported by Thucydides, dwelt strongly upon this refusal, and in doing so laid down the principle in words very similar to those of the resolution on this subject proposed at the Brussels Conference in 1873, and almost identical with those used by Mr. Dudley Field in the present discussion. He declared that States of equal rank, before appealing to arms should endeavour to find by means of arbitration a peaceful solution of the questions at issue. That was an interesting fact to note: it cannot be doubted that both Pericles and Archidamus were honest in the expression of their anxiety to substitute arbitration for war; and their readiness to adopt this course, showing that they thought it possible to obtain a fair tribunal, was a valuable testimony in favour of the public morality of that remote period. The words of Grotius were hardly applicable to the present state of affairs; he recommended that international disputes should be settled by States not interested therein. Now in these modern times, in consequence of the increased facilities of communication, the relations of States to one another were so close, and their ramifications of interest so extensive, that it would be difficult, in the most important cases, to find

a thoroughly impartial arbitration. Notwithstanding the instances quoted—the armed neutrality—and the Holy Alliance—no sound or solid advance had yet been made in the direction of a practical scheme of arbitration. These instances, he thought, were rather unhappy ones. As for the armed neutrality, it was remarked by Manning that it was difficult to find anything respectable connected with it; and those who were acquainted with the history of the Holy Alliance, which England steadily refused to join, were aware that by its interference with the constitutional development of several nations, it had done infinitely more harm than good. His own opinion was, that it would not be possible to establish a permanent Court of Arbitration, and even if it were possible an executive could not be obtained to carry out its decrees. The reasons were not far to seek; the interests of the several States—the maritime and the continential, the large and the small—were so conflicting that it was difficult to induce them to agree even upon questions much simpler than this. He would illustrate this by the declaration of Paris; it consisted of four simple propositions: (1) the abolition of privateering; (2) the neutral flag covers enemy's goods, contraband excepted; (3) the enemy's flag covers neutral goods, contraband excepted; (4) blockades, to be binding, must be effective. One might suppose that propositions so simple as these would be universally accepted; yet the interests of the United States were found to be so different from those of the other Powers, that they refused to set their seal to that declaration, without the introduction of a further condition to which the States of Europe could not agree. Again, when the Brussels Conference met in 1874 for the purpose of discussing the laws and usages of warfare, the interests of large and small States were found to be so diverse, that on several important questions, including that as to the right of a population to rise *en masse*, no definite conclusion could be attained. Now if on such questions as these harmony could not be established, how could States be expected to submit to arbitration differences which might affect their dignity, their honour, and even their existence? The instances cited as cases of successful arbitration did not serve its advocates much. They almost invariably had reference to questions about which the States concerned would not in any event have gone to war. He alluded to the Geneva Arbitration, and others of that class. As to the Congress of Berlin, he was greatly surprised to hear it called an arbitration—and those who used such an argument betrayed the weakness of their position. It would be more correctly described as a meeting of the representatives of various Powers, who had at their own instance, and without waiting to be asked by the belligerents, arranged to take part in the settlement of questions of vital interest to themselves, a course which the Treaty of Paris fully entitled them to take. It thus lacked the essential conditions of an arbitration—the impartiality produced by disinterestedness. With regard to the view supported by Mr. Dudley Field, that a State which refused to submit to arbitration should be regarded as an enemy of the human race, he for one could not concur in that sentiment. Mr. Field himself had admitted that there were questions upon which the persons concerned should not in any case submit to arbitration—a father, for instance, should not allow

the question of his right to his own child to be decided thus. But might not nations also justly maintain the same position? And who, except the State immediately concerned, was to be the judge upon such points? Why should a nation submit to arbitration upon a matter of clear right? And why should it be condemned for refusing to make such submission? There had been nations in the past, and would be others in the future, who, like the Danes in 1863, even though defeat was certain, would prefer to write upon their native soil, in the blood of their citizens, their protest against what they considered to be tyranny and injustice. He was of opinion that mediation offered many advantages which arbitration did not possess, and that it was a more practical and reliable means of effecting the object in view. It gained time and allowed the disputants to cool; and in particular, it did not bind them to accept the recommendations of the mediation, and thus exposed them to no risk of being obliged to reject an award by which they had pledged themselves to abide. They would best advance in the direction of permanent peace by bringing to bear upon international relations a spirit of justice and forbearance, and losing no opportunity of recommending the settlement of disputes through these peaceful but not compulsory methods, in preference to the 'stern arbitrament of war.'

Mr. Tallack (London) said that, in view of this discussion, he addressed a note to Mr. H. Richard, M.P., the writer of the pamphlet quoted by previous speakers, entitled *The Recent Progress of International Arbitration*, asking his opinion on the question as it appeared on the programme. With respect to the proposed 'periodical meetings of representatives of various States to which all disputed international questions should be referred,' Mr. Richard stated that, if such representatives met of their own accord without being appointed by their respective Governments, they would have no authority whatever, any more than a similar number of private persons. Mr. Tallack, then speaking from his own point of view, remarked that it was in the highest degree unlikely that Governments would depute their authority to such a body. But so far the present discussion did not contemplate an international congress consisting of private individuals for the purpose of arbitration; the drift of opinion went rather in the direction of a congress composed of official personages. The endeavour should be to proceed on the beaten lines of diplomacy, and avoid innovations. The Berlin Conference was partially one of arbitration. The line between mediation and arbitration could not be clearly drawn, at least in many instances. Although the Berlin Conference was a peace congress, so far as it prevented war between Great Britain and Russia, which was not improbable at the time, it was not a peace congress so far as Russia and Turkey were concerned; it was convened too late to effect that purpose. What he desired was that such congresses should be convened beforehand. The necessity of such a proceeding was shown by the course of the Franco-German war. Difficult disputes often arose with amazing rapidity, and as speedily culminated in deadly conflict between two great nations, in spite of the recommendation of the Paris Congress of 1856, that all nations before going into war should submit their disputes to arbitration or mediation.

What he desired was, not merely official diplomatic congresses, like those of Paris and Berlin, but a standing official committee, appointed only by such congresses, in the first instance, but with power to call together another such congress immediately any imminent danger arose. If such a standing committee were established, there would probably be evolved from it a demand for some more elaborate and systematic code of international law than existed at present for the guidance alike of the standing committee itself and of the congresses it might convene. Some persons might say there is no code of international law, but only a collection of customs. That suggested the desirability of inviting the law faculties of the great universities of the world to send representatives to prepare, not for authoritative acceptance, but by way of recommendation to the central executive, a code of laws. Mr. Dudley Field had rendered valuable contributions in that direction by drawing up such a code, and jurists of cosmopolitan fame might be requested to make a similar contribution. With regard to the standing committee, there was a recommendation of a former committee of the Social Science Association which might be carried out in the present case. The recommendation, which had reference to the celebrated Protocol of the Paris Congress of 1856, was that, instead of the different nations being invited to submit their disputes to arbitration before going to war, they should be bound to submit them in the first place by treaty obligations. It was likely that a recommendation of that nature would receive practical support, if it were communicated to a standing committee such as he had indicated. In the Queen's Speech, after the ratification of the Treaty of Washington, which finally settled the 'Alabama' question, Her Majesty was pleased to state that the President of the United States had concurred with her in the application of the principle of amicable reference, which was proclaimed by the Treaty of Paris, and which she rejoiced to have the opportunity of recommending by her example. Sanction to the same principle had been given by President after President of the United States. There were one or two fallacies underlying Sir S. Baker's Paper, and also the observations of Professor Leech. While he thoroughly recognised the pacific desires of those gentlemen, he thought they assumed too much that the tribunals of arbitration must be authoritative tribunals, and support their decision ultimately by the sword. The advocates of arbitration did not expect such a conclusion; their view was that arbitration must rest all its force on moral power, because the very object of arbitration was to avoid the use of the sword. It might be objected that mere reliance on reason was of itself a weak support. Not so: it did apply to extreme cases where the nations concerned could hardly be expected to submit to arbitration. The 'Trent' affair in 1861 was a difficult question, and required delicate treatment; it almost involved us in a war with America, but what occurred offered a striking example of the force of moral power. The great Powers of Europe gave it as the united expression of their judgment that the United States Government was in the wrong from the point of view of the law of nations, and this simple expression carried decisive weight. How much more weight would attach to a deliberately prepared ex-

pression as to international law, agreed upon by all the great nations! With regard to the failure of certain congresses, such as that at Brussels, because certain nations did not agree with the others, the position of the advocates of arbitration was this: if, for instance, the United States could not agree with other Powers as to privateering, then the time had not come for embodying that principle in the law of nations or code of international law. Such a code should consist of simple, great principles, which, in the time of peace or non-excitement, the majority of the great Powers (never, of course, excluding America) had deliberately accepted, and not in any case where there had been serious disagreement.

Mr. J. H. Edge (Dublin), in supporting the views embodied in the two first Papers, said that all agreed that war should be avoided if possible, and that arbitration should be adopted if practicable. He thought also they were all agreed that, upon certain questions, arbitration was both practicable and advisable—such as questions like the International Postal Union and the marriage laws—but the serious point for consideration was whether at any time arbitration, on any great and momentous matter, would have become practicable. With respect to the particular Powers that should be admitted, several speakers seemed to think that all nations should be allowed to take part, however small some of them might be. He certainly thought that a correct view, for the smaller nations required protection rather than the larger Powers. Next, were nations to be taken as they were at present? Poland might say, 'I am a nation, and must be represented; because I happen to be conquered, that is no reason why I should be stamped out.' There was a sort of arbitration, by the way, in the last century between Austria and Germany and Russia to annihilate Poland, which did not present arbitration in a favourable light. Then, again, the Berlin Conference could not be fairly called an arbitration, at which arbitrators met to consider questions not immediately connected with the nations arbitrating, but affecting some semi-defunct nations and their territories. Another point was, whether the questions submitted might include the restoration of territory taken by one nation from another. Spain, for instance, might ask to get back Gibraltar: England, in such a case, might argue, 'Oh, we want Gibraltar, as a protection to the highway to India;' while Spain might answer—'You must go some other way; what right had you to take Gibraltar from us?' Were they to go back upon such questions? There was also the question of the disbandment of armies: if some nations that employed mercenaries were deprived of that power they would be defenceless, whilst it would not concern Germany at all, as every man in Germany was a soldier. A rule applied to one nation would not apply to another. The whole question was one of details. If all agreed that the scheme was practicable, let it be adopted; but such questions as he had mentioned could not be submitted to arbitration with any prospect of success. A curious question raised at the Berlin Conference was as to what language should be used. The first language of diplomacy was French. Prince Bismarck, after some dispute with one of his correspondents, stated that he would write in future in his own language. The Earl of

Beaconsfield adopted English at the Berlin Conference. A further point for consideration was the individual merits of the several diplomatists. No doubt individual characteristics would predominate; in fact, there would be a preference shown for intellectual champions, which would give one nation an undue advantage over another—men who commanded force of character would overcome the timid and perhaps less practised rivals. Again, how would really representative men be chosen in countries when there was no true representative system. England, being highly representative, would send men entitled to respect, and to be regarded as champions; but what champion sent from Russia, a despotic Power, however individually able, would represent the real views of the Russian nation? His very abilities might make him misrepresent them the more. Professor Leech had gone into historical research to show that attempts at arbitration had failed in former times. For his (Mr. Edge's) part, he thought arbitration would have had a better chance of success then than it had now, because as there were fewer educated men then than now the vast majority would have been less unwilling to give in to the educated classes. Even if the diplomatists agreed among themselves, it would still be very doubtful whether the nations, whose delegates they were, would acquiesce in their decisions, criticised as they would be in the public papers. No doubt there were many questions eminently fit for arbitration, but there were such matters as nationalities which could hardly be submitted to a tribunal of that character with any chance of success, as many of the leading Powers of the present day owed their vital existence to the suppression of the smaller nationalities of which they were composed.

Mr. J. R. Wigham (Dublin), who expressed himself strongly in favour of substituting arbitration for war, held that the workmen of this country had more to do with that question than many persons were aware of; and in proof of this assertion, he described the objects and principles of the Workmen's Peace Association, which was inaugurated at a public meeting in St. James's Hall, London, in 1870. They were:—

1. To advocate the settlement of all international disputes by arbitration, and the establishment of a high court of nations for that purpose. 2. To place before our countrymen the danger, immorality, and expense of standing armies. 3. To at all times urge upon our Parliamentary representatives, that in the interests of civilisation and humanity, it is the duty of the Government of the United Kingdom to take the initiative in promoting international peace, by proposing a large, mutual, and simultaneous reduction of all armed forces, with a view to their *entire abolition*.

Unless the Government of the country settled this question soon, the working men would settle it their own way, by refusing to fight. The government and legislature who really commenced war sat quietly at home, while the working men had to do all the fighting, many of their families being afterwards left without their natural protectors. One difficulty in the way of the Social Science Congress coming to a decision was the specific form in which the question was set before the section. That difficulty would have been re-

moved if the question had been stated in the manner described by Mr. D. Field, for all would have agreed that it was desirable arbitration should be substituted for war in settling international disputes, since reason was always preferable to brute force, for in war, whatever the merits of the case might be, the power that was beaten was obliged to submit. It had been objected that, in burning questions, arbitration was not a practicable mode of settlement, as it might be in the case of a postal union or similar dispute; but was not the 'Alabama' case a burning question, and it was settled by arbitration? He for one could not understand why, when men of business and others were willing to have their disputes settled by arbitration, nations should not adopt similar means in order to avert the fearful evils of war.

Mr. A. Dunn (London), though not a jurist, was disposed to offer a few practical criticisms. The statement, that past experience inclined strongly to the view that the reference of international disputes to the representatives of the various states concerned would be far from desirable, seemed to him very strange. Modern experience was apparently shut out of sight by those who opposed arbitration. It was doubtless very instructive for gentlemen to cite ancient instances found in Greek and Roman history, but they ought not to ignore the evidence of modern times which showed that, whereas in Pagan periods disputants could not agree to settle their quarrels except by the sword, in these Christian times wise and important decisions had actually been arrived at by the peaceful means of arbitration. Recent decisions were such as to inspire great hope for the future, with regard to the general adoption of this principle amongst the enlightened statesmen and the educated peoples of Christendom, who were more likely than ever to listen to the wise counsels and judicious advice of men who in their heart desired to promote the peace of the world. Those gentlemen who had spoken against arbitration were men of ability, and he trusted that, instead of damping all the hopes of the advocates of the principle, they would turn their talents towards supporting a movement that was in harmony with all the ideas of Christianity. No one would deny that the best thing for this country was peace and not war. International arbitration was the extension of that principle; it was based upon holy writ—'Do violence to no man,' and if the nations can only be trained to treat each other upon the principle of the golden rule 'Do unto others as we would that they should do unto us,' the whole question would speedily be settled.

The Chairman (Mr. Commissioner Miller, Q.C.), in summing up, said the discussion, though useful in one way, was rather like a fight between a dog and a fish, for the parties on the two sides had not been addressing themselves to the same question. No one, he thought, would disagree, in general terms, to Mr. Dudley Field's proposition, that it was most desirable, as far as possible, to substitute arbitration for war. Moreover, it would be a very excellent thing if they could so educate the public opinion over the whole of the civilised world that any nation going to war, before arbitration had failed, should be looked upon as a public enemy; and he was by no means without

hope that public opinion might reach that desired point. But the question debated in the Papers read was a different one from that; it was: 'Is it possible to establish, as a court of arbitration, such a tribunal as shall have the authority and the power to enforce its decisions upon contending nations in the same manner that an established court of law enforces its decisions on the individuals of a nation?' Some day such a power must arise, but he did not see the same indication of that result as he did of the other. In modern times, only one real instance appeared of what he should describe as the decision of an external tribunal, accepted by any great nation, when that nation differed in opinion, either by itself or through its representatives, from such decision. He referred to the Geneva award. But that was a very peculiar case. There was no nation in the world except the United States with which we would have entered into such a bargain. If it had been proposed to make such a bargain with any continental nation in Europe, we should at the very first have refused to refer the question. Nor would we, except for the great 'store' we set upon the friendship of the United States, have carried out that award, when made, in the face of the very strong opinion against it pronounced by the late Lord Chief Justice Cockburn. With regard to the Berlin Conference, the action of the Powers represented there was merely applying to Russia (which, as between herself and Turkey, had *vis major* on her side) the superior force of united Europe, and was not 'arbitration' at all, but a mere threat of force to compel Russia to hold her hand. As to the 'Trent' affair, he commended the action which England took. In the first instance, the authorities of the United States were inclined to resent it, but when they came to look into it they themselves were satisfied, not that the United States were in the wrong, but that England had not exceeded her international rights; and they said, with the magnanimity of a great nation: 'Though we do not like the way she has taken what we did, we are not going to resent it.' How far the intervention of foreign ambassadors must have conduced to that result he was not in a position to say, but he had not the slightest doubt that, if the great American jurists themselves had come to the conclusion that England had exceeded her rights, they would not have allowed any foreigners to prevent the nation from enforcing their own views of their own rights. Mr. Dudley Field settled this matter when he said there were some things which people would not submit to arbitration. It had come to that: the more civilised the nation the more would it be disposed to say, 'We would rather put up with any settlement than go to war about it,' but there were burning questions about which nations would go to war and fight to the last man rather than submit to the arbitration of any third person. In 1822, it was proposed that the burning question then existing between revolutionary Greece and Turkey should be referred to the Congress at Laybach. Greece said, naturally and properly, 'If you agree that the independence of Greece is settled, and the Congress has to settle nothing but the terms upon which Greece is to be free, we consent to that; but if the question of the restoration of our freedom is to remain in abeyance, we will fight.' In taking that

decisive course the Greeks were right, and when they struck for freedom their efforts were attended with partial success at any rate. The principal point to be considered seemed to be, not how far it was desirable to induce people to agree, but how far it was desirable to establish an authority which would make them agree, whether they liked it or not; and from that arose the further question whether a superior force could be got to exercise that authority. If they could get such a representative body as His Excellency, the reader of the third Paper, desired, and if they could induce the great Powers of Europe to put into the hands of that body an efficient police, then and not till then would it be possible to enforce arbitration in all cases. Short of that they would always have, just what had been already mentioned. In a great majority of cases a civilised nation would be glad to settle peacefully such cases, for instance, as the boundary dispute between England and the United States, near Vancouver's Island. It would be ridiculous for two great nations to go to war about such minor cases as that, and so both of them agreed to abide by whatever Prussia might say was right. For his own part he was not sanguine as to the establishment of any central authority which could enforce its decrees, whether such an authority was based on a European concert or otherwise. If such a tribunal were constituted, and issued its decrees, its authority would be something like that of the German Diet, which was supposed to control all its members; and yet on the only occasion upon which one of its members was sufficiently recalcitrant as to require the exercise of force, the practical result was that the federal troops were moved into the territory of Schleswig and persistently refused to act under the Diet. The Prussian and Austrian troops, instead of obeying the Diet, refused to evacuate the territory of Schleswig Holstein after they had taken it from Denmark. There was always something for which a man cared, and who, rather than give it up, would have his throat cut; and then when once a war began any authority which was sufficiently strong to control the belligerents would be too strong to be controlled by any consensus of public opinion.

Sir Sherston Baker in replying said, that the very able speech of Mr. Miller, Q.C., had almost saved him from the necessity of summing up. He would, however, mention one or two little points. In the first place, there appeared to be some misapprehension among certain of the speakers as to the terms of the question, which might be read in two ways:—(1.) That there should be representatives to which all international questions should from time to time be referred for their opinion or advice; and (2) that there should be a permanent body to which, as a matter of course, all questions must be referred for adjudication; thereby taking out of the hands of individual nations the power to refuse acquiescence in the decision of that body. What he spoke against strongly was not the seeking advice from delegates, but the establishment of a permanent body of arbitrators for all time, and to adjudicate upon all disputes of nations, the latter being thereby rendered incapable of taking any matter into their own hands. Mr. D. Field had made mention of the Duke of Burgundy and others who were at one time always fighting among themselves, but who had since been

obliged to acknowledge a common sovereign. Yes, but was not that desirable result brought about, not by arbitration, but by the force of the sovereign's sword? The Pos a' Union and other conventions, such as those relating to extradition and deserters from the merchant service, were in the nature of agreements which were being carried out, but which would only continue to be carried out until some dispute arose. Like every other kind of treaty they were liable to come to an end; and if treaties came to an end, why should not reference come to an end also? What then remained but the argument of force? He disputed the accuracy of Mr. Griffith's observation that the armed neutrality treaty had no relation to this question, because according to the terms of that treaty a 'universal maritime code' was to be formulated. With regard to the remarks of one speaker that an amicable reference had been enjoined by the Declaration of Paris, it was worthy of notice that the British Government at the beginning of the Franco-German war called the attention of the two belligerents to that declaration, and offered to intervene; but France, one of the contending parties, refused to allow any intervention, relying upon the exact language of the Declaration, wherein the words clearly imply that recourse to a friendly Power should only be permissible, and not obligatory. The question whether delegates would ever be able to agree among themselves, was to his mind a most formidable difficulty, and his belief was that, as even the smallest questions would necessarily be referred to delegates sent from nations of the whole civilised world, the interest of these delegates would be so very distinct that it was hardly within the bounds of possibility that they ever could agree.

His Excellency Don Arturo De Marcaortu, in reply, explained that his idea was to include in the proposed court of arbitration the representatives of all civilised nations; not simple nationalities that had ceased to be nations. As to the manner in which the standing committee should be appointed, he had already read a Paper on that subject at the Bristol meeting of the Social Science Association, where the whole question was discussed. He did not confine his scheme to the establishment of an international Parliament for the consideration of the laws of nations merely, but he wished it to regulate the laws of peace and war.

PRIVATE BILL LEGISLATION.

Should the Procedure on Private Bill Legislation in reference to Local Improvements be amended, so as to facilitate Enquiries on the Spot by Parliamentary Committees or otherwise? By Mr. Serjeant Pulling.

THERE can be, I think, small ground for hesitation in giving to the substantial portion of this question an answer in the affirmative, whatever difference of opinion there may be in reference to the precise mode of carrying out the principle involved.

The practice of conducting official enquiries of a local character, whether in reference to judicial, or administrative, or Parliamentary proceedings, at a distance from the locality immediately concerned, is an anomaly, and not only opposed to the salutary principles of our common law, but to the obvious suggestions of justice and common sense, public policy, and private convenience.

It is hardly necessary to point out how our common law everywhere recognised the principle that the execution of official enquiries of a local character of right belonged to the locality immediately concerned, or where the *cause of action* arose. I need not dwell on the subject of the gradual innovations on this principle, modifying amongst other things the old rule of *venue* and the distinction between actions legally deemed *local* and those legally deemed *transitory*, and to a great extent ignoring other very old and very salutary rules.

The requiring official enquiries of a local character to be conducted in the locality affected, or in which the subject-matter of the enquiry originated, was adhered to in almost every instance of legal or official investigations prescribed by our common law, or by early statutes, and amongst others especially in the case of writs of enquiry of damages after judgment by default, of inquisitions *post-mortem*, the scrutiny after an election, the enquiry *ad quod damnum* on a new grant from the Crown, of a market or other franchise, and a grant or license to alien or hold land *in mortmain*, &c.; and the register of writs contains a long list of cases in which this enquiry of *ad quod damnum* was prescribed, the cases including many matters which in our times would have been made the subject of special applications to Parliament, e.g., enclosure of commons (before the general act on the subject), the diversion of rivers, &c. The local enquiry in such cases was required to be, and, until the old law went into desuetude, really was, useful and efficacious, and, if not duly made, the grant could, after the incompleteness of the enquiry was proved, be legally revoked on a *scire facias* to repeal it, *quia improvide emanavit.* In cases where by a stretch of authority the Crown in any such grants dispensed with the writ of *ad quod damnum*, the grant was held by the best legal authorities so far void, and Lord Coke over and over again denounced the practice of granting such dispensations from the local enquiry as an innovation on the old principle of our law that franchises and privileges ought only to be granted after full local enquiry, in what way any would be thereby prejudiced.[1]

All these safeguards against usurpation of local rights

[1] See Com. Journ., vol. i. p. 578, April 17, 21 James I.

seem to have been altogether lost sight of when Parliament assumed the anomalous power of interfering, under the pretext of legislation, in matters merely local, personal, or exceptional.

If we look back to the history of what is now known as 'Private Bill legislation,' we find the explanation of this anomaly. The interference by Parliament in private affairs —adjudicating or otherwise disposing of individual claims or disputes, was really an excrescence arising out of their legitimate legislative power, originating in a state of things altogether abnormal and unhealthy—a time of general disorder and prostration of system.

'Private Bill legislation' conveys two ideas essentially distinct if not discordant. Legislation is the process of making laws. Private acts of Parliament are arbitrary provisions for superseding or overriding them. This subject is very fully discussed in an article entitled 'Private Bill Legislation' in the 101st volume of the *Eainburgh Review*, where will be found a full account of the origin and history of the course of Parliamentary interference by special statute in matters merely private, local, or exceptional; and observations and suggestions for reform which were much discussed at the time, and quoted with approval in the House of Commons.

The growth of this anomaly is certainly remarkable. Beginning in the lawless times of Edward IV. and Richard III., with special acts for clearing away obstacles successively standing in the way of those two most unscrupulous monarchs—arbitrarily declaring first Edward, and on his death Richard, to have 'the true and undoubted lawful title' to the throne, making void the grants made by their immediate predecessors—the series went on with private acts of attainder and confiscation, as occasion arose: and as the fortune of war changed these private acts were followed by others for helping the successful in the conflict, restoring their estates, and declaring the estates of their antagonists forfeited.

Thus arose a system of private acts, passed at the prayer of men possessing at the time Parliamentary influence, settling and unsettling estates, settling legitimacy and heirship, and bastardising issue; so that in the year succeeding the Restoration the application for private acts, for setting aside conveyances alleged to have been made through fraud or coercion during the civil war, were so numerous that, to use Lord Clarendon's words, 'they exceedingly disquieted and discomposed the House, every man being so much concerned for the interest of his friends or allies, that he was more solicitous

for the despatch of those than of any which related to the king and the public.'

Estate acts and divorce acts constituted for many ages the chief, if not the only, *private acts* in our statute-book. Special statutes, now classed as *local* and *personal acts*, are of far more modern contrivance. To decide on local and joint-stock schemes, such as in our times have so much occupied the attention of Parliamentary Committees, was not, until a comparatively recent period, deemed within the legitimate province of the Legislature.

The very name 'Private Bill legislation' is one but of recent adoption. Though now commonly used, it occurs, I believe, for the first time in the article in the *Edinburgh Review* already referred to. I can, as the writer of that article, vouch for the fact that I never met with the expression 'Private Bill legislation' before, and used it more by way of stigma than otherwise, to describe the anomalous system of Parliamentary interference by special statute with so many local and personal schemes, which could be so much better regulated by general law.

The objections to local and personal acts of Parliament, as I have endeavoured to point out, rest on principles which strike at the roots of the system. Their enactments are clumsy substitutes, in an exceptional and objectionable form, for systematic provisions by general law; but if the general principle of these exceptional acts is bad, the prescribed mode of dealing with applications for them is worse. Public general acts are passed after full opportunity for considering their provisions has been given to all classes and all persons likely to be affected by them, and, as a rule, after full public discussion in and out of Parliament. Applications for local and personal acts are disposed of by private bill committees far away from the locality affected, and with no other information before them than that supplied by the professional representatives of the promoters and their partisans and skilled witnesses, or by those who are technically within the rule as to *locus standi* and are willing to fight the public cause at their own cost of time and money.

The rules of proceeding in private bills of a local character differ materially not only from those acted on in ordinary legal investigations, but from the practice adopted by Parliament in what formerly constituted the chief subject of private acts, estate acts, and divorce acts. The rules of proceeding on a bill for a private estate act require everything involved in the preamble to be proved in a strictly legal form, and the exact legal effect of each clause proposed to be clearly made

out, to the satisfaction of the law lords, generally aided by the Queen's judges. In the case of divorce bills the proceedings assumed the strict form of an ordinary judicial inquiry, all parties to the proceeding being before the tribunal, and the witnesses *pro* and *con*, and the whole of the evidence dealt with in the most strict way indeed. A divorce act was not allowed to pass until after full trial and judgment both in a common law court and the ecclesiastical court.

Contrasting entirely with all this, the prescribed course of proceeding on bills for local and personal acts in no way provides for a proper legal investigation of the case, local or otherwise; nothing to prevent the adventurers or promoters of the proposed scheme acting wholly without the sanction of those really interested in the property or district to be affected. The enquiry into the merits of the application, instead of being based on previous legal proceedings conducted *on the spot*, where the true state of the case would inevitably present itself, is left wholly to a committee sitting at Westminster, with no other aid than that afforded by the promoters of the scheme—their partisans, their professional agents and counsel, and *professional witnesses.*

Schemes for undertakings under the names of local improvements or useful public works have been over and over again, and may still be, submitted to and receive the sanction of Parliament directly opposed to the public interests as well as to the wishes of the locality immediately affected—schemes which a proper legal investigation on the spot would show to be pernicious and dishonest.

The great costliness of private bill committees has become notorious. Highly paid experts thriving on the *system* of private bill committees, partisans from the locality living in clover whilst the committee-room performance is going on, with too often a relay of men—*witnesses by profession*—ready to assert, by way of opinion or statement as occasion arise, almost anything which it may for the moment be deemed expedient to bring before the committee—all contribute to stamp the anomaly as an evil, and to show that lavish expenditure is at least one of the great evils of the present mode of proceeding before private bill committees. The private bill expenditure during the last thirty-five years cannot merely be characterised as lavish—it has been disastrous, encouraging objectionable monopolies, discouraging useful schemes, legitimate enterprise, and legitimate opposition to evil projects, taxing heavily every one coming into the committee-room on their own responsibility, though for the public good, as well as the

many whose shoulders have to bear the burthen of the extravagancies of dishonest promoters.

There remains one other consideration with regard to private bill committees—the public inconvenience and cost of the present system.

Private bill committees, even as at present constituted, whilst they involve so lavish an expenditure to those immediately concerned, consume a quantity of time which could be so much better devoted to the legitimate work of the Legislature. The great railway session of 1846 consumed the time of an average number of seventeen different committees, and sometimes double that number, no less than five hundred sittings being held, and occasionally all sitting the same day. Though the work has now materially fallen off, there is still a sufficiently wasteful expenditure of public time, diverting the attention of more than half the members of the Legislature altogether from their real work in Parliament, and taking up the time also of the committee clerks and other public servants, and involving not only waste of public time, but a useless waste of public money.

What Lord Clarendon remarks as to private bill zeal of M.P.'s in the time of Charles II. is mild indeed compared with what might be said of the days of the railway mania, when private bill committees obtained the unenviable distinction of being at once the most incompetent and the most corrupt tribunals of which English history gives any account. By the operation of a series of salutary rules and a higher tone of public feeling in Parliament, the damaging stigma of personal corruption on the part of members of the Legislature in reference to private bills has become a mere matter of history, but little has really been done to make a private bill committee a reliable tribunal.

These manifold evils of the private bill committee rooms have over and over again called forth suggestions for reform Lord Brougham in days gone by; Lord Winmarleigh when Col. Wilson Patten, and chairman of committees; Lord Derby when Lord Stanley; the late Lord Llanover when Sir Benjamin Hall; Mr. Ewart, Mr. Paull, and others exerted themselves at different times and in various ways in the House of Commons to reform the evil, but as yet little has been really effected.

The Preliminary Enquiries Act of 1846, which was passed in accordance with solemn resolutions that it was expedient to relieve Parliament of a certain portion of its labours by local enquiries before the sanction of Parliament was asked to

special Acts for local improvements, extended to the case of certain classes of such local schemes; but these preliminary enquiries were completely neutralised by the practice of private bill committees, after all the preliminary enquiries had been made, insisting on the whole case being gone into afresh in the committee rooms; so that it became the practice of the *experts* simply to give the go-bye to the preliminary enquiry, and reserve their whole case for the committee.

The act really became a dead letter, and the retrograde provision was made, limiting the preliminary enquiry to matters in which the province of the Admiralty was concerned, the Admiralty Surveyor making his report on one simple point only, leaving all questions as to mere local and personal claims and local and personal interests to the committee.

Such being the state of the law and practice of Parliamentary committees, the time seems to have arrived when the Legislature should sanction an effectual, instead of a wholly ineffectual, reform of the system of enquiry into the actual merits and demerits of schemes for local works or local improvements, submitted for special parliamentary sanction, substituting altogether in every case for the investigation now conducted in the committee room a full local enquiry *on the spot*, which should be *primâ facie* conclusive of the questions now ordinarily disposed of in the committee rooms.

If a number, not exceeding three competent men, unbiassed by local or other interests, were appointed as examiners or commissioners to enquire on the spot into the whole merits of all cases of application for local and personal acts, with full Parliamentary powers for calling before them the necessary parties, the promoters and their immediate opponents, the promoters of rival schemes, or others, and all persons to whom a *locus standi* would be given by private bill committees, such as the local authorities, public bodies, or public departments having any interest in the enquiry, e.g. the Admiralty, the Board of Trade, boards of works, &c., there would be little difficulty in securing an effectual instead of an ineffectual investigation into the actual merits of the scheme, so as really to exhaust the whole subject-matter to be dealt with by Parliament.

Suggestions in accordance with what I now submit for consideration, and also with the views before put forward in the *Edinburgh*, appeared in a Paper read by me before this Society in 1860,[1] and afterwards in the form of a letter to the

[1] Suggestions for Improvements in Private Bill Proceedings, read December 3, 1860.

first Lord Winmarleigh, then chairman of committees,[1] who, with the then Lord Stanley, had done me the honour to previously confer with me on the subject.

Let the whole scheme about to be submitted to Parliament be first referred to the examiners or commissioners of enquiry already referred to, in order to make a legal enquiry on the spot into all the facts and circumstances of the case, and let the case proved be reduced into the form of an official report, showing the whole case to be dealt with, the proposed scheme submitted by the promoters and proved, and the evidence in support of it, and the grounds of opposition made out by opponents or objectors, or submitted by the public or local boards directly concerned.

This report or finding, unless legally objected to, I would substitute altogether for the present committee-room enquiries, leaving Parliament to deal with it as special cases are now dealt with in Westminster Hall, or as Parliament may order. The business of the committee would then be to pronounce whether or not on the face of the report, the preamble of the bill was proved, and the necessity for the proposed clauses was made out. By just rules as to the costs of proceedings either before the examiners or before the committee in opposition to the report, I think improper schemes or vexatious opposition to legitimate undertakings might be prevented. Objections to the report might be safely left to be dealt with by Parliament.

Were these suggestions carried out, I believe a most efficacious remedy would be afforded for most of the evils of the present system, and it would at once put a stop to what has been so often felt as a great grievance—the inevitable *double enquiry* into facts now taking place in the committees of Lords and Commons. The contest in either committee, after a decision on the examiners' report, would be simply as to the case made out *by the report*, and the check afforded by the rules as to costs would go far to restrain vexatious or untenable objections.

In conclusion, I think it well to point out that the reform of procedure suggested could hardly now be deemed an infringement of the 'privileges' which either House of Parliament holds by.

The power of actual legislation or enactment is in no way affected by what is proposed, and Parliament has in several recent instances, when its privileges were supposed to be at stake, delegated far more important powers to competent tri-

[1] Letter to Col. Wilson Patten on the Amendment of Private Bill Procedure in London. Stevens and Sons, 1862.

bunals. The Privy Council, the Local Government Board, and the Charity Commissioners have been invested by Parliament with important functions previously belonging to parliamentary committees, and in the most important enquiry affecting the House of Commons, the enquiry into the due election of its members, the election judges have practically been invested with all the powers possessed by the House itself. A cure has been found for the evils and inconveniences of election committees. Neither House of Parliament could reasonably set up 'privilege' as an obstacle to the practical reform here suggested in Private Bill proceedings.

On the Same.

By ALBERT W. QUILL, A.B., ex-Scholar of the University of Dublin: ex-Auditor of the Historical Society: Barrister-at-Law.

IN addressing a society such as this, it appears to me a logical necessity of the last importance to treat the subject in hand as far as possible in accordance with certain principles recognised by the science of sociology.

Were I to deal with this question in a cut-and-dry kind of fashion, playing the part *ad captandum* of the so-called practical man of common sense, I feel that I should not only be dealing unscientifically towards a scientific body, but that I should also in all probability involve myself, and possibly my audience, in certain positions plausible on the surface, but really and fundamentally unsound.

I venture, then, to approach my subject guided in my attempt at prevision by certain principles recognised in sociology so generally that few will be likely to impugn their soundness.

When I have as concisely as possible expounded those principles in the first portion of this paper, I shall forthwith state the practical conclusions at which I have arrived —conclusions which I trust will, if realized and worked out, be none the less conducive to the best interests of the country in that they are in harmony with scientific deduction.

Now, the first proposition to which I ask your assent is: *The progress of decentralisation is in proportion to the growth of constitutional government and constitutional liberty.*

In the abstract, whether we regard the archaic government of the head of the family, or of the less ancient and

more developed forms of despotism, we perceive that absolute centralisation was a necessity. Fear, which is the dominant mental condition of the subjects of a despotic government, assumes the form of active and aggressive hate when strengthened by the combinations of corporate or municipal association. Political intelligence, interpenetrating the masses, which is the outcome of municipal and local government, is the antagonist most dreaded by despotism.

Centralisation, therefore, in the hands of despotism, disintegrates the masses into panic-stricken units devoid of political spirit or intelligence.

In the concrete, we find the greatest and best of despotic potentates attempting to reconcile the irreconcilable—decentralisation and despotism—an attempt which proved a splendid failure—a failure not to be averted even by the genius of Cæsar. In the words of Theodor Mommsen,[1] 'the newly regulated municipal system, which had but recently developed itself out of the crisis of the social war in and alongside of the State economy, was intended to communicate to the new absolute monarchy the communal life which was compatible with it, and to impart to the sluggish circulation of the noblest elements of public life once more a quickened action. The leading principles in the two municipal ordinances issued in 705 for Cisalpine Gaul and in 709 for Italy, the latter of which remained the fundamental law for all succeeding times, are apparently, first, the strict purifying of the urban co-operatives from all immoral elements, while yet no trace of political police occurs; secondly, the utmost restriction of centralisation and the utmost freedom of movement in the communities, to which there was even now reserved the election of magistrates, and a limited civil and criminal jurisdiction.'

The subsequent history of the Roman Empire tells us how succeeding despots stopped the decentralising process to save the imperial purple, and succeeding ages read the lesson in the ruins of the Coliseum.

Bearing this in mind, few will be surprised at the statement of Mr. J. S. Mill in his work on Representative Government—that the English Government is the least centralised in Europe. When the Legislature by successive Acts of Parliament had largely extended the jurisdiction of the County Courts, *The Times*, in commenting upon the reform, remarked that the tendency of law reform appeared to be in the direction of the old Saxon system of the shire and the

[1] *History of Rome*, vol. iv. p. 528.

hundred, and moving away from the more modern Norman method; but *The Times* did not clearly point out that every new departure from feudalism must be a decentralising departure to educate, enlighten, elevate, and liberate the people.

Thus by degrees our corporations and local commissioners have been invested with annually increasing authority over the management of our cities and towns, and the increased jurisdiction of our County Courts has meted out a large measure of justice in the midst of the people.

In this continuous process of decentralisation our Legislature appears to have acted on the lines so clearly reasoned out by Mr. Mill.[1] In most instances the object of the Legislature appears to have been to ascertain how the local business itself could be best done, and also (and this is the second proposition I ask you to accept) *how the transaction of that local business could be made most instrumental to the nourishment of public spirit, and the development of political intelligence.* With that view before it, it has made most of our local bodies elective, has marked the circumscription of their authority by the lines of community of local interest, and has given them power to nominate their executive. It appears, moreover, in most instances, to have acted in harmony with what you will be good enough to consider the third proposition in this Paper—the cardinal rule enunciated by Mill—it has through the language of each particular Act of Parliament *given the instructions or principles of guidance as the central authority, leaving the local authority to work out those instructions and principles in detail.*

As it is a principle of our constitution that all *judicial* officers should be nominated and appointed by the Crown, it is only right that our County Court Judges should be so appointed. On the other hand, our *administrative* local bodies are (with some notorious exceptions, to which I shall immediately advert) elective, and invested with power to nominate their executive. Thus our citizens have the opportunity of discerning with enlightenment the best representatives, and feeling the responsibility of such election. To enjoy the benefit one must share the responsibilities of constitutional freedom, and it is only by teaching the tax-paying mass of the people the responsibilities of local administration that they will learn to use and not abuse the development of popular privileges. In Ireland the Local Government Board and the Board of Works have proved themselves disastrous failures. To my mind these Boards are rendered inefficient by three vital defects.

[1] *Representative Government*, c. xv.

First, they are not elective bodies, and therefore not immediately responsible to those whose immediate interests are in their hands.

Secondly, they are not local in the true sense—for although they send their inspector to the *locus in quo* to take evidence there, he is merely ministerial, and the Board remaining in Dublin have no direct knowledge of the local question.

Thirdly, there being an equal degree of authority distributed through the Board, there is a mutual shirking of responsibility, practically unchecked by any direct control.

Of late years one of the most patent facts has been, and continues to be, the complete inability of Parliament to deal effectively with the vast and yearly increasing interests involved in the promotion of private bills. The development of trade, the improvements in the condition of the masses, the complex movements of advancing civilisation, are continually demanding measures of local reform. The furtherance of these measures under the present system of private bill legislation is painfully impeded by four vital defects—expense, delay, ignorance of the local interests, and the absence of popular local administration of local business as a means of constitutional and political education.

There is another evil which must be subsequently animadverted upon—an evil which, although not so formidable as the four named, is of no inconsiderable magnitude. I allude to the abstraction of members of Parliament from their more important function—the consideration of and deliberation over imperial interests.

Before proceeding to consider these several defects in the order in which they are stated, and then endeavouring to suggest a remedy for them, it may not be amiss to examine the ground upon which the Legislature has assumed the government of certain interests purely local, instead of leaving the investigation of topical matters to local boards. The chief ground upon which the Legislature has thus acted appears to me to be that *individuals should not be deprived of their property directly or indirectly except through Parliamentary intervention.* This is the fourth proposition to which I invite your attention. It is not right that A's lands should be taken by a railway company, or B's house by a market company, except with the sanction of the Legislature. That principle appears fundamentally sound, and we shall afterwards endeavour to show that under the new course of procedure suggested it will be strictly respected.

So far premising, let us proceed forthwith to consider the

defects already mentioned in our system of private bill legislation, and first as to—

Expense.—Most people have a vague idea that the expense of promoting a private bill is enormous; but for some startling figures I am indebted to Mr. John Bagot, honorary secretary of the Dublin Chamber of Commerce, who, in his extremely able essay on Parliamentary Reform,[1] has accurately informed us that the Sheffield Water Bill cost 70,000*l.*; that the promotion of a single private bill cost Dublin 15,000*l.*; and that the formation of Clontarf into a township involved the expenditure of many thousands of pounds. Mr. Bagot has likewise cited authority to show that our present Irish railway system has involved the introduction of no less than 250 private bills, and quotes from the *Dublin Evening Mail* of February 13, 1880, as showing that the Parliamentary costs incidental to the Dublin Waterworks had attained the enormous total of 25,000*l.* On this head I cannot do better than cite the logical commentary of Mr. Bagot, who observes, at p. 23 of his essay, 'Few examples could better illustrate the injurious character of this tax upon the application and accumulation of capital than Ireland. Improvements are most likely to be needed in backward parts, and these are the very parts on which the tax will fall most heavily. The tax is therefore unequal; it takes from the poorer to give to the richer. Who would maintain a tax upon scanty capital? Who would maintain a tax cumbrous, unequal, uneconomical? The effect, it must be reiterated, is little short of ruinous, socially and politically, in a country like Ireland, where agriculture is depressed, and threatens to be further depressed, by permanent causes; which wants variety of employments, which is struggling out of agricultural into manufacturing industry; which, therefore, needs to attract capital, and yet annually loses so much of its meagre resources in remittances to absentee owners, who find better investments elsewhere.'

I need not, I think, dwell much upon the evil of delay, because any of us who read the newspapers, or observe with ordinary attention the course of public business, must have been repeatedly impressed with this evil of delay. Solicitors, agents, and scientific witnesses are frequently kept for months in London, enjoying the attractions of the metropolis at the expense of the unfortunate ratepayers. Unless it can be shown that there is some countervailing merit in a system that

[1] Dublin: Ponsonby, Grafton Street, 1881.

tolerates such an evil, that system must justly yield to some other method of inquiry unattended by such injustice.

As a rule, select committees have no personal knowledge of the *locus in quo*; and, although elaborate evidence is given before them, it must, I think, be admitted that knowledge so derived from evidence can scarcely be as exact, full, or thorough as the knowledge of local men who completely understand all the bearings of each matter of topical interest.

Fourthly, one of the principal objects of local government is ignored; namely, that local administration should be conducive to the political and general intelligence of the people. Speaking as an Irishman, and also as one who has spent many years in England, I believe that nothing in this or in the sister country will be more conducive than strictly local government to the fostering and nurture of that popular intelligence which is the great, nay, the only real bulwark against the anarchical and revolutionary spirit which is ever seething in its deep and hidden caverns, and now and again flaming forth, only finally to be quenched beneath the heel of a universal and all-beneficent enlightenment. That enlightenment can be but gradually engendered by the imposition of responsibility on those who pay taxes. Responsibility of action in matters of deep personal concernment, be that action elective or administrative, will and must eventually create a sound feeling of prudence and discretion—the greatest safeguard of true constitutional liberty.

Fifthly, this private bill business abstracts honourable members from the consideration of imperial interests—the chief function of Parliament. Questions of imperial interest are pressing for legislation, and it is not too much to say that the undivided attention of the representatives of the people is required for the solution of those legislative problems which are calculated to tax all the resources and collective strength of the two Houses.

In seeking for a remedy for the present block of private bill legislation, it is well to remember that the House of Commons has, in a matter of vital interest and moment to its very existence, delegated its authority to the judges, and constituted them its high servants to aid it in the guardianship and preservation of that which is most precious to it—the purity of parliamentary elections. The purity of parliamentary elections, in the case of any particular constituency, is not a matter of local but of general interest; and yet the House of Commons, considering that so delicate a question could be best determined in each case by the acumen and impartiality of our judges, has delegated its authority to them in so grave a matter. Parlia-

mentary committees composed of different members on different occasions, and untrained in law or judicial investigation, were not governed by any fixed principles nor any certain *ratio decidendi.* Parliament, therefore, considered it necessary to intrust this task, so vitally affecting itself, to the care of the judges. We are all aware how that trust has been faithfully carried out, and how that confidence reposed has been guarded. If, then, in a matter of general interest and precious concernment to the House of Commons, Parliament has thought fit to delegate its authority to our judges—acting always upon their certificate and in accordance with the recommendation in such certificate contained—can there be any danger in the delegation of Parliamentary authority in local matters, proper safeguards always being provided to secure the check of Parliamentary control?

Let us now consider the leading schemes of reform.

In the May of last year a Bill was introduced by Mr. Charles Fay, one of the honourable members for Cavan, Sir Harcourt Johnstone, Mr. Joseph Cowen, Dr. Cameron, and Sir Joseph McKenna. Mr. Fay was kind enough to send me a copy of the Bill, knowing that I had addressed a letter to the present Chief Secretary for Ireland, dealing in part with the present question. That bill was not proceeded with because it is generally understood that her Majesty's Government will introduce a measure dealing with this subject. The Bill is entitled 'A Bill to provide for the establishment of a Tribunal for the conduct of local inquiry relating to Private Bills in Ireland.' Its preamble recites that legislation for Ireland by private bills is attended with much expense by reason of the necessity for the committee of Parliament, to which such a private bill is referred, having to conduct its proceedings and hear evidence touching such bill, at a distance from the locality interested in such bill, and industrial enterprise and social improvement in Ireland are thereby rendered difficult; and that it is expedient to diminish such expense and to provide facilities for legislation by private bill as regards Ireland. The Bill then, after defining the term 'Private Bill,' proposes that a branch of the Private Bill Office should be established in the city of Dublin for the deposit of Irish private bills subject to standing orders from time to time by both Houses. It proposes that every private bill so lodged in the Dublin Branch Office should be examined by an examiner of the House of Commons, if originating in the Commons, or by an examiner of the House of Lords, if there originating. It further proposes that the committee on a private bill originating in the

House of Lords shall consist exclusively of Irish Representative Peers or Peers of Parliament connected with Ireland by having a residence in Ireland; and that the committee on a private bill originating in the House of Commons shall consist exclusively of Irish members of Parliament.

It then provides that these committees shall hold their sittings in Ireland while Parliament is not sitting at certain principal towns in Ireland.

Let us see whether the reform proposed by this bill fulfils the conditions which appear requisite.

First, the necessary check of parliamentary control would be imposed. The examiner would pass no bills unless they complied with the standing orders of the Houses—thus ensuring that none but private bills would be dealt with by the new procedure. The decision of the committee would of course simply amount to a report to the House, thus leaving the final fiat to the conscience of that august assembly.

Secondly, the attention of honourable members would not, during the Parliamentary Session, be diverted from the consideration of imperial matters, as the committees composed of them would sit out of session only. Thus all objection would be removed on the ground of interference with the more important duties of Parliament. Once this objection is removed two other cardinal conditions of success would be fulfilled. The tribunal would be elective and local. The chosen representatives of the people would in the midst of the people be voluntarily assisting in the administration of the interests and business of the people. Those who are fit to represent the people in Parliament are certainly fit to represent them in the administration of their local interests, and I feel sure that care would be taken that the committee sitting in any particular town should have on it one or more of the representatives of that particular place.

There is, indeed, one great and powerful point of objection to this particular scheme of reform. As the Parliamentary Session occupies about seven months in the year, only five (at most) months would remain for the disposal of local business. That local business should be suspended for seven months each year appears to me, I regret to say, an insurmountable obstacle to the adoption of Mr. Fay's scheme. The alternative of County Boards, elected by the ratepayers and transacting the local business on the spot, must commend itself as a superior scheme, inasmuch as it would contain all the merits of Mr. Fay's scheme—being elective and local—and at the same time would be free from the great defect of the enforced

suspension of business for seven months in the year. The County Board—thoroughly representative of the tax-payers, and superseding the present anomalous system of the Grand Jury—would be in permanent session on the spot, and controlled both by the examiners of private bills and the decision of the Houses of Parliament on report.

A third scheme has been suggested by Mr. Bagot in his able essay, namely, that commissioners should be appointed, to whom private bills should be remitted, as it were, from the high tribunal of Parliament to the subsidiary tribunal of the commissioners to investigate and report upon.

I object to this scheme on three distinct grounds.

First, the commissioners would be a non-elective body in no way representing those whose local interests were involved. I trust I have already shown in this paper that a tribunal for the transaction of local government business should be elective and local in order to work out that social progress and intelligence which should be the highest objects of local government.

Secondly, such a commission could not possibly command the same sympathy or confidence as voluntary local representatives.

Thirdly, such a commission would add to an expenditure which each succeeding Government is anxious (and properly anxious) to check and restrain.

I believe, then, that the County Board, representative of and elected by the tax-payers of a district circumscribed by the lines of community of local interest, will eventually constitute the tribunal whose high function it will be to relieve the Imperial Parliament from intolerable pressure, and while giving such relief to still further develop the lines of a constitution the most perfect the world has yet seen.

Speaking here under the ægis of that science of which I am an humble disciple, I ask you to remember if this country, now favoured by your auspicious presence, drinking in her first draughts of justice and liberty, clamours for more of the precious boon—I ask you to remember the inspired words of one who wrote for all time:—

αἴλινον, αἴλινον εἰπέ, τὸ δ'εὖ νικάτω [1]

(*Sing the dirge, the dirge, but let the right prevail*).

A further Paper, entitled 'Can the present procedure on Private Bill Legislation be so amended or extended as to admit of Enquiries on the spot by a Parliamentary Tribunal,' was also

[1] Æsch. *Agam.* 154.

read by Mr. W. S. DAGLISH. The object of this Paper, as seen from the title, is to improve and cheapen enquiries into matters requiring legislation by local Parliamentary enquiries.

The Paper points out in the first place that at three meetings of the associated Chambers of Commerce held in England, Scotland, and Ireland, the general principle has been unanimously affirmed, and the present cost and delay of private bill legislation severely condemned, and the Paper quotes the opinion of the late Robert Stephenson to the effect that 'the ingenuity of man could scarcely devise a system more costly,' and various other high authorities on this point.

It then proceeds to state that there are two suggestions that have been made, one for Parliamentary enquiry similar to those already held in cases of provisional orders; or, second, that the present Parliamentary committees should conduct their enquiries on the spot instead of at Westminster.

While it is admitted that the first plan of local enquiry by commissioners would be greatly better than the present system, yet that tribunal would not have the weight of Parliament, and its decisions might frequently be reversed; whereas, the personal presence of members of the two Houses of legislature on the spot would have far more weight and influence.

The number of private bills in 1876 was 266, in 1877, 268, and in 1881, 232, say an average of 250.

By forming a tribunal consisting of 100 members of the House of Commons and 100 members of the House of Lords, 200 members of the legislature would be available for private business, which, divided into 50 committees, would give four members to sit, wherever required, and to each of whom might be allotted five bills; and that, in case of proceedings affecting Scotland or Ireland, one Peer and a Member of Parliament might, if required, be a representative of those countries.

To this tribunal might be added, as assessors, but not voting, a county court judge as assessor, an engineer, and an expert in figures.

The tribunal would be able to give five days to each bill, which would be equivalent to ten days of the present House of Commons in committee, and would prevent the necessity of an enquiry before the Lords and Commons Committee as at present.

By taking away private business from the House the time of members would be greatly relieved, and the House could rise earlier, and if the tribunal sat in the month of October

the evidence could be analysed, printed, and report prepared and laid before the House by the month of January, and then subject to public discussion, as at present in the various stages in the House.

The Paper makes certain suggestions as to standing orders with this view.

DISCUSSION.

Dr. NORWOOD (Dublin) said he had a practical acquaintance with the conduct of private bill legislation, as for some sixteen or eighteen years he had been engaged as counsel in the case of most of the heavy bills from Ireland. He wished to compare the conduct of private bills in the two Houses of Parliament with the principle adopted by the Local Government Boards, of granting provisional orders. Having taken some part in most of the provisional order inquiries of any moment, his practical acquaintance extended to them, as well as to private bills. He was consequently conversant with the difficulties which had arisen in the ever increasing business of disposing of these bills before parliamentary committees. In 1875 he (Dr. Norwood) laid before the Statistical and Social Inquiry Society of Ireland a statement of opinion almost similar to that used by Mr. Daglish, the reader of the third Paper. As to the justice of holding judicial inquiries in the district, the principle is as old as English law. The judges hold their assizes for that reason in the several counties, and the chairmen of counties and the County Court judges bring home the administration of the law to every man's door; the propriety and convenience of the principle was admitted by the Houses of Parliament when they sanctioned (by the 31 & 32 Vic. cap. 125, 'The Parliamentary Elections Act') the holding of inquiries into the validity of election for members of Parliament, by the judges of Her Majesty's superior courts, within the borough or county where the election took place. Many years before that Act had received the Royal assent, there was one which recited in its preamble that the convenience of holding parliamentary election inquiries on the spot was of transcendent importance. It empowered a committee, composed of members of the House of Commons itself, to hold inquiries into elections within the borough or town concerned. That measure passed as far back as 1831 or 1832, so that the principle involved in the Election Petitions Act was not new. After discussing the suggestion of a joint committee of both Houses of Parliament to be appointed to consider private bills, and to visit the districts affected thereby, Dr. Norwood proceeded to observe that Parliament had already admitted the evil of the present system, and the only question that had so long delayed reform was as to the *modus operandi*. Already they had got rid of election petitions; divorce and naturalisation bills were no longer the subject of parliamentary inquiry; enclosure bills, bills of the charity commissioners, turnpike trusts and tramway bills, and recently gas and water bills, were now disposed of by other tribunals. Parliament

had passed consolidation Acts from time to time, such as the lands', railway, gas and water clauses, all being in the direction of lightening the difficulties of parliamentary working. Previous to the year 1863, there were no fewer than sixteen parliamentary commissioners appointed to inquire into the difficulties of private bill legislation; they heard witnesses at great length, and investigated the matter with great care, but the outcome of those inquiries was literally nothing. The difficulty that always arose was as to the *modus operandi*. In 1863, a most important select committee was appointed, and four or five propositions were laid before it. The first was submitted by Lord Redesdale, whose great practical experience as Chairman of Committees in the House of Lords entitled him to be heard with the highest deference. Lord Redesdale's proposal was, that a joint committee of both Houses, instead of two separate committees, should sit, thereby diminishing the cost by one half; and this principle would seem to be shadowed out by the appointment of the joint examiners. The next suggestion was made by Col. Wilson-Patten, now Lord Winmarleigh, who at that time held the office of Chief Secretary to the Lord Lieutenant of Ireland. It was, that a distinct tribunal extern to the House should be appointed to ascertain the facts and report to the Houses of Parliament, still retaining, during the investigation, the control of Parliament, the same principle as that now worked out by the judges who now held election inquiries. The next proposition laid before the committee was that of Mr. Booth, Secretary of the Board of Trade at the time. It was that the Board of Trade should issue provisional orders for all private undertakings after the fashion subsequently adopted by the Local Government Board in England, and followed by the Local Government Board Acts of 1871 and 1872 for Ireland. But that system had not worked so satisfactorily either in England or in Ireland as to lead to a further expansion of its principle. The fourth and last suggestion was one by a very high authority, Sir Erskine May, Clerk of the House of Commons, and it received the sanction of Mr. Richards, who had great experience for many years as counsel for the Speaker. It had the sanction also of Mr. Lowe, now Lord Sherbrooke, and of several other persons. It was, that a distinct tribunal, a court independent of Parliament—should be appointed, leaving only its findings to be confirmed by Parliament. This plan, slightly differing from Lord Winmarleigh's, was embodied in a bill prepared by Mr. Serjeant Heron. However, Parliament was prorogued before the Bill reached the second reading, and consequently it fell through. Subsequently, Mr. Dodson, who was at the time President of the Local Government Board, and also Chairman of Committees for the House of Commons, and who had great experience in the working of private bill business in that House, proposed that perambulating committees, composed of members or commissioners, should hold local inquiries and prepare provisional orders to be confirmed by Parliament. The speaker then proceeded to discuss various other methods for carrying out the objects desired.

Mr. P. J. Smyth, M.P., said the bill of which he had charge, was the same as that mentioned both by Mr. Quill and Mr. Daglish in their Papers. It was originally introduced by him in the House of Commons

in 1879, and at his request was again brought forward, in 1880, by Mr. Fay, and very fully discussed. He was himself prevented from moving the second reading by the pressure of the Land Bill last session. When they considered the magnitude of the grievance involved in the present mode of conducting private bill legislation, the wonder was how such a grievance was allowered to remain so long unredressed. If Ireland were alone the sufferer, the delay would at least be intelligible; but Scotland and England were sharers with Ireland in the endurance of evils resulting from a system which operated as a barrier against enterprise and social improvement. He said emphatically, let that grievance be redressed everywhere—in Scotland, and Wales, and England, if necessary, as well as in Ireland, and redressed in the way best suited to the requirements of those several portions of the United Kingdom. But if the grievance was most severely felt in Ireland, and if that country was the least able to bear the pressure, it was natural that Irishmen should seek to remedy the evil of which they justly complained, and redress the grievance there. The fact of its existence elsewhere was no reason why they should suffer it to exist any longer than was necessary in any part of the United Kingdom. The circumstances, too, of Ireland brought home to her, with peculiar force, the evils of a system which drained her resources, and checked the investment of capital in reproductive works. A gentleman of experience, who was a member of the Dublin Chamber of Commerce, had stated that it was a cheap bill that could be got for 2,000*l.* Last session the mere fees paid on private bills amounted to 54,000*l.* Why should Ireland be mulcted annually to the extent of 100,000*l.*, in order to obtain leave to spend her own money in her own way on works that would be mostly of a beneficial character, and that would give employment to numbers of destitute persons? Among the counties of Ireland where the distress of 1879 was most acutely felt was Donegal. The people of Donegal came before Parliament that year, and asked for leave to construct a narrow-gauge railway. It appeared, however, that a narrow gauge railway was not quite in favour in a certain quarter, and the bill was thrown out. Of course the decision of the noble lord (Earl Redesdale) the Chairman of Committees was quite according to standing orders, but the result was no less disastrous to Donegal, for large numbers of her people, instead of being employed at fair wages on useful works, were left dependent for existence on public charity. The Irish railways, running over 2,000 miles, and in which 30,000,000*l.* had been invested, were promoted in London by 320 bills at a cost of 1,000,000*l.* sterling. The mere cost of a bill, however, was not the worst consequence which the system entailed. The worst consequence was, that it acted as a deterrent by postponing and even preventing the initiation of useful works. Social improvement was paralysed because public bodies and private individuals would not subject themselves to the annoyance, and worry, and risk, which were inseparable from the promotion of private bills. After long delay, the bill was either won or lost; but, whether lost or won, time and money were wasted to a lamentable extent. He did not impugn the decisions of the committee of the House of Lords in the Donegal case, or in others; he was free to

admit that they were characterised by the utmost fairness and impartiality, but they were founded in every case on the evidence laid before them, which was necessarily imperfect evidence. The best evidence was procurable only in the locality. In seeking a remedy for the evil complained of, the object to be kept in view in localising inquiry was to cheapen, expedite, and simplify the procurement of necessary Parliamentary powers, and by so doing to relieve Parliament and unfetter enterprise. The wrong complained of was admitted, and the remedy proposed was in principle accepted. He did not deem it advisable for the purpose contemplated to call into being a new department of Government in Ireland, or to extend the powers of any existing department. Neither did he conceive that a judicial tribunal like that for the trial of election petitions, as proposed by the lamented Mr. Serjeant Heron, would be suited to deal with the class of subjects that came before Parliamentary Committees. On the contrary, he considered it advisable to adhere as closely as possible to the existing system, and not depart one iota from the strict line of the constitution. He was decidedly of opinion that Parliament must not relinquish its control over private bill legislation. The Irish and the Scottish Parliaments exercised such control, every Parliament that he knew of exercised it, and when it ceased to do so it would cease to be a Parliament at all. The leading features of the bill in which he was interested had been stated plainly by Mr. Quill. It was a measure that did not trench in a single degree on any function or prerogative of the Imperial Parliament. There was in it nothing of a revolutionary character. It proposed no fundamental change. It accepted the constitution as it is. It took the Parliament as it stands, and adopted that Parliament as its tribunal. In doing so it took merely that section of the Parliament upon which Ireland felt she had a special claim, and which must be assumed to be best qualified to deal with the matters involved. It would be unreasonable to require that English and Scotch members of Parliament should forego a portion of their vacation in order to investigate Irish undertakings; but there was nothing unreasonable in asking that the Irish Peers and Irish members should so devote themselves. At all events, he trusted that the nature and objects of the bill in question were clearly understood. It took the Parliament as it is, accepted the present procedure, accepted the standing orders of the House of Commons, and left the appointment of examiners untouched. It did not ask Parliament to surrender its control over private bill legislation, it claimed no legislative powers, it altered nothing, disturbed nothing, changed nothing except the venue. It asked that inquiries into local matters should be conducted in the localities affected by them, instead of at Westminster which was not affected by them, and that they should be conducted in the same manner and with the same machinery as now. That was the case of the promoters of the bill. In a celebrated debate, which took place in the Corporation of Dublin forty years ago—the Repeal Debate—an incident occurred which had an important bearing on this question, and to which he might be allowed now to refer without, in the slightest degree, touching on anything of a political nature. Among the

opponents to Mr. O'Connell's motion was Mr. Symes, an eminent solicitor, and during the progress of the debate he announced that he would be obliged to leave for London. O'Connell seized upon the circumstance, and turned it to account in his own inimitable way; he said:—'Mr. Symes says that he is going to England this evening, and I am much mistaken if I cannot extract even from this circumstance an argument for my motion. He has a happy home—I know he has, for no man ever wore so good-humoured a face and so sunny a smile, who did not enjoy a happy home; but he must forsake that home. He is going to England on professional business most probably, and he is going I have little doubt at the expense of a client, for I have known him to visit London for the purpose of managing the progress of private bills through the House; but is it not a cruel thing that he must be debarred the society of his family, and must cross the channel for the purpose of transacting the business of an Irish client in passing a private bill through the House? Let them reflect what a vast amount of expense and annoyance was entailed upon the country by this system of legislation. How many thousand pounds were expended on the introduction of a bill for the Dublin and Kingstown Railway? But an argument yet more cogent was furnished in the case of the Drogheda Railway Bill, which cost 30,000*l.*' Thus it appeared that the grievance it was now sought to remove was acutely felt over forty years ago, and O'Connell naturally used it as an argument in support of his panacea. The bill to which reference had been made had been framed without reference to any political theory of self-government, though it would undoubtedly confer upon Ireland the right of controlling almost everything relating to her material interests. If passed into law it would accomplish more than the removal of a crying grievance; it would conduce powerfully to the creation of a sound public opinion in Ireland. Mr. Lecky, in his able work on the *Leaders of Public Opinion in Ireland*, had pointed out how such an opinion might be formed. He says:—'By steadily opposing the tendency to centralisation, which has produced so many evils in Ireland, by transferring private business from the overworked Parliament of the Empire to cheaper and perhaps more competent local tribunals, by gradually enlarging the sphere of local government, and by encouraging and bringing into activity the political talent of the country, a sound public opinion may be slowly formed.'

Mr. J. T. Pim (Dublin) said the question was of great importance. The evil they complained of was admitted by leading statesmen and committees of the House over and over again for years; still nothing was done to remedy it. They were told that the House of Commons was overworked, and that was advanced as a valid apology for not doing the business of the nation. It appeared to him, when it was admitted the House was overworked, that that was a strong reason for withdrawing some of the business from it. If a private undertaking, such as a railway company, was to have its traffic blocked up, it would not be accepted as an apology to say they were overworked. On the contrary, Parliament would come forward and insist on the directors improving

their system of management in order to conduct the business for which they came into existence. And if the House of Commons was incapable of so reforming its procedure as to be unable to say they were no longer overworked it would lose character with the nation. His belief was that for the last ten years the House of Commons had lost character with the nation because of the fact that it was frequently admitting, as an apology for wrongdoings, that it was overworked. The removal of this grievance was one of the best ways of relieving the House of Commons from its overwork, and why that was not done long ago he was unable to tell. There was a very large vested interest concerned in keeping all legislation at the other side of the Channel. There were Parliamentary counsel and Parliamentary agents who were supported on the costs of private bill legislation. People might not be aware that a private bill could not go through Parliament without payment of about 300*l.* as fees in the two Houses. These fees provided the fund out of which sundry officials of the Houses were paid. In addition to the expenses to be incurred in London, it should be also borne in mind that the position of Ireland increased the expenses of private legislation, as witnesses and others had to be sent over to England, and the further from London the greater the cost. He, therefore, agreed with Mr. Smyth that the present mode of dealing with private bills was a deterrent to enterprise. At the same time, whatever improvement might be made, Parliament should still retain its power of final approval to local measures. With regard to Mr. Smyth's suggestion that a local court of inquiry should sit, composed of Irish members of the House of Commons and Irish Peers from the House of Lords, there were considerable objections to that proposal. One was the want of time. Such an inquiry would have to be conducted during the recess, and only a limited portion of it, for members of Parliament must be allowed some amount of relaxation after the labours of the session. Another objection was that, as the composition of such a tribunal would be so fluctuating so far as regards members of the House of Commons, there would be uncertainty in the nature of its decisions. The promoters of private bills were generally anxious to have them brought first before the House of Lords committees, as they were much better than committees of the House of Commons, the reason being that there was less fluctuation in the composition of the Lords than in the Commons. A member of the House of Lords was a member as long as he lived, whereas in the Lower House a member retaining his seat one Parliament might lose it the next. The consequence was greater experience in the one case, and more certainty of decision, than in the other. Neither should the proposed local court of inquiry be elective, because there were private interests at work, and the smaller the county the greater the evil. As to county boards, that would be a haphazard arrangement. A county board in Cork and a county board in Carlow might mean two different things. Was a bill for a railway, passing through half a dozen counties, to go before as many county boards, or before only one? Then, again, the last persons to whom the power of decision should be given were those who had a private

interest in the project. The present provisional order system was the foundation of the scheme he desired for private bills. In Ireland, if schemes for a tramway, harbour, gas undertaking, or drainage scheme required sanction, the promoters had to apply to four distinct departments. That was a serious inconvenience as well as a mistake. All those four departments should be merged into one tribunal, to deal with harbour, local board, and railway matters; or a permanent tribunal might be constituted similar in composition to the present Railway Commission. It might consist of three competent men—one a lawyer, the second an engineer, and the third a mercantile man. It should be a court of first inquiry, and its decisions submitted to Parliament for approval. Parliament should retain the power of referring a Provisional Order Confirmation Bill to a Private Bill Committee for reconsideration. There would be very few cases in which a reconsideration would be necessary before a Private Bill Committee, and in those the investigation would be better conducted before a joint committee of the two Houses. Costs should follow the award, in order to deter unfair opposition to a proper scheme.

Mr. J. H. Edge (Dublin) said the only point on which he disagreed with Mr. Smyth was that only Irish members should sit on the local committees. The introduction of English members would, he thought, be of a twofold advantage. They would first have a better opportunity of becoming acquainted with the country on the spot, and learn, from personal observation, the lessons which the Irish people wished them to acquire. Another advantage would be that, as English members, they would bring to bear upon the inquiry an independent judgment, free from local prejudices. The English element would give to such an investigation the character of a truly imperial Parliament. The other scheme put forward might be thus described: to substitute for Parliament some other tribunal which, he thought, would be perpetually coming into collision with it. Supposing a county board were a proper tribunal in other respects, it would in this at least be objectionable: being of an intensely local character, it would look at a matter of this imperial character not so much from a broad imperial point of view, but under the influence of local prejudice and private interest. The objection, as to the time of members of Parliament being taken up with these local inquiries, was not serious, as their time would merely be taken at one period of the year instead of another. Sitting as they now did all day in the committee room, and all night in the House itself, it would be a relief to them, and tend to improve rather than impair their health, and render them better fitted for parliamentary work. The objection that at present there was a tendency to prefer the House of Lords to the House of Commons' Committees, would be met by the adoption of Lord Redesdale's plan, viz. to have a mixed committee of the two Houses. If such a proposal were approved, a private bill might be read in one House and then referred to the mixed committee for consideration.

Mr. Griffith (London), as a member of the parliamentary bar, the delinquent body that was supposed to increase the cost of legislation, admitted that private interests ought not to stand in the way of any measure which would be for the benefit of Ireland. Serjeant

Pulling seemed to regard private bill legislation as an anomalous excrescence on the Parliamentary system; but *privilegia* were granted by the imperial legislators of Rome, and surely Parliament was not confined in its duty to State affairs; it was also bound to consider measures for promoting the construction of docks, railways, and other undertakings for the convenience of the public. No doubt the present system was expensive and somewhat dilatory; but, on the other hand, would the proposed changes diminish the expense? The fees of the House certainly, at present, formed a large portion of the expense. They, however, might be reduced. Another source of cost was from the large number of experts and other witnesses that were summoned. In many cases a large number was necessary, and he did not suppose, whether they were examined in London or in Dublin, that the difference of cost on that head would be considerable, being merely the amount of the travelling expenses. On the whole, the expense on that score might still remain the same as it was at present. With regard to private bill legislation promoting the welfare of the country; he found, on looking at the Statute Book of the last session, that the numerous railways in Ireland had not proved a success, and that the Imperial Government had, in consequence, authorised commissioners to advance large sums of money to carry them on. So far, however, as the question of public policy was concerned, testimony seemed to show that some alteration was necessary in order to increase the prosperity of the country, and as long since as the resolutions of 1872 the question had engaged the attention of Mr. Dodson, the then Mr. Chichester Fortescue, Sir W. Harcourt, and other leading members of the House of Commons. The current of opinion in the present discussion was certainly in favour of all evidence being discussed on the spot. So far that would be a great advantage. Persons living hundreds of miles from the locality could not be supposed to be conversant with the local circumstances; and evidence taken by a local inquiry would no doubt be of a more thorough character, and form a firmer ground for beneficial legislation. It would hardly be fair, however, to ask members of Parliament to take the evidence during their vacation, and, therefore, he would suggest that the duty might be better undertaken by the judges, Parliament having the power reserved to it of considering the question ultimately. Precedent, or experience, was on the side of that view, as judges had given great satisfaction on election petitions, and he saw no reason why these local questions also should not be referred to them, as they required similar acumen for their decisions as to the disputed facts of elections. The question of merits requiring administrative principles, which the question of evidence did not, ought to be discussed by an independent body—a body at a distance would be better—in order to prevent a danger of partiality creeping into the minds of legislators who had local interests. A joint committee of the two Houses of Parliament would no doubt save both expense and time, and that proposal had in its favour the high authority of Lord Redesdale. Whatever might be said as to matters of detail, the time had come when some alteration ought to be made.

Mr. Joseph John Murphy (Belfast), who understood Mr. Pim to

recommend the consolidation of the various central authorities in Ireland, especially the Local Government Board and the Board of Works, said the Board of Works had been proved, by experience, to be a most unsatisfactory tribunal. It would indeed be difficult to witness anything in the administration of a public department more disgraceful than the way in which the drainage of the Irish rivers, so necessary to the agriculture of the country, had been blundered. The operations of the Board of Works under the Drainage Act had certainly this merit, that they had done by one general Act what otherwise would have had to be done by local Acts of Parliament; but their system tended in the direction of centralisation, not in that of self-government. The remedy for these failures would be an elective Board for each drainage district, co-operating with the Local Government Board, with its president, and perhaps its secretary appointed by the Local Government Board, the Board of Works, or whatever was equivalent to them, but in any case being invested with full power in matters both financial and engineering as representing the ratepayers, who were the persons most directly interested. It seemed to him a national grievance that they should be compelled to go to Westminster and spend money there in efforts to obtain leave to effect improvements in their own cities with their own money. He failed to see the force of Mr. Pim's objection to local bodies and elective boards, on the ground that their interests were concerned, when the very reason for establishing elective bodies and local authorities was that, being local bodies, they were interested in improvements being made. With regard to the supply of gas and water, building and street improvements, increased powers to deal with these matters ought to be given to municipal bodies; and for the promotion of railway and other interests of that nature, increased powers should be conferred on the Local Government Board. That alteration would meet the whole difficulty.

The CHAIRMAN (Mr. Commissioner MILLER, Q.C., LL.D.) said that on one point they all appeared to be of one mind, namely, that there was no necessity for further discussion of this question, because it was, in their opinion, very desirable that the expense of an inefficient inquiry at Westminster should be obviated by a less costly and more efficient inquiry conducted on the spot; for whether a particular inquiry was to take place in Ireland, in England, or anywhere within the limits of the United Kingdom, there was just as great a hardship in bringing witnesses from Newcastle or Glasgow to Westminster as there was in bringing them from Dublin, and just as great hardship in bringing witnesses, &c., from Derry or Belfast to Dublin, as in bringing them to Westminster. Another point on which they were all agreed was, that the present double inquiry before the two Houses was ridiculous; that a single inquiry, which should be so conducted that both Houses would accept its report, as they now accepted separate reports of their respective select committees, would probably be more efficient, and certainly more logical and reasonable. There was nothing more disheartening in attempts at public improvement than that, after a Bill had been fought successfully, and at great expense, through the committee of one House, the other House should declare, on identically the

same facts, and without any reason being given, that the preamble was not proved, thereby throwing all the expense away. The crucial question, on which opinions were not anything like at one, was whether the inquiry should be in the hands of a legislative or of a judicial body? If they intended to commit what was now done by private bill legislation at Westminster to the complete control of local bodies, he for one would agree with Mr. Quill that those local bodies ought to be elective, and that it was not reasonable to commit the complete control of local administration to any bodies in which the people were not directly represented. For that reason he concurred in Mr. Murphy's suggestion, that as far as regarded town improvements and matters of that kind it would be a great step in the right direction largely to increase the powers of municipalities. But, on the other hand, if Parliament was to continue to maintain its control over these things, instead of investing the body which was to hold the local inquiry in question with the ultimate authority to decide whether a case for improvement had, or had not, been made out, then he was clearly of opinion that an elective body was not a good tribunal for holding such an inquiry. Persons experienced in judicial investigations would, sitting as a permanent body, be more likely to give proper and systematic attention to the matters brought before them at these local inquiries, because they as commissioners or judges would conduct their proceedings on some intelligible rule laid down in a manner which it would be possible to correct or supervise by the intervention of a superior authority, if the rule were laid down wrongly, whereas it was impossible that any such rule could be propounded by any fluctuating body, as an elective body must necessarily be. So far as private bills only authorised the expenditure of public money, he saw no reason whatever why elective bodies, representing all the persons whose money was to be expended, should not be entrusted with complete control over the expenditure of that money; but if they went further, as they would necessarily do in every railway, town improvement, and water bill, and permitted the corporation created by the bill to take property against the will of the owners simply on the ground of paying them for it, then, he thought, it was not expedient to entrust that discretion to any local body. If it were so entrusted, whether in England, Ireland or Scotland, it would in three out of every four cases give rise to the suspicion of a job. It was not reasonable to say that any man's property was to be taken whether he liked it or not, merely because full compensation was offered to him for it. Not only should full compensation be given, but public grounds ought to be shown for taking the property. He had known a case, in which a man, who had a piece of property not particularly valuable to him, was only too glad that it should be taken by a public body, for they paid him two or three times its value by way of 'compensation.' A local body would be likely, he feared, to lend itself to a similar proceeding, on the principle, 'Scratch me, and I will scratch you.' It would be much easier to push a thing of that sort through a county board, or some other body elected *ad hoc*, than through a set of commissioners or judges, formed into a permanent body, who would have no interest. Such a body could be trusted in

reporting at any rate on facts, though he would not entrust them with any authority to legislate on the subject. The whole question was, what amount of authority do you intend to entrust to such a body? His own view was, whenever a private bill had been read a second time in either House—which affirmed the principle that there ought to be legislation on the subject—it should then be referred to some permanent body, consisting of say three commissioners, who would be bound to go to the spot, and there collect such evidence as they could obtain. They should not only take the evidence tendered, but also require the production of such evidence as they thought would throw light on the subject, and then report on the whole matter to Parliament. Parliament would thereupon decide on passing or throwing out the bill, after considering the report sent from the locality by the body in question. That course of proceeding would dispense altogether with the sitting of a parliamentary committee on the bill. It would also be a great improvement, not only because it would save expense, but because it would secure a great deal of valuable evidence, which was lost under the present system. Local investigation was essential, and how it should be done was merely a question of detail, but he did not think it could be carried out in the manner suggested by Mr. Smyth's bill, because it was not likely or reasonable that members of Parliament, after working all summer, would devote themselves to responsible work of that kind in the autumn—their only time for relaxation. Any legislation introduced on this subject should have reference, not to Ireland alone, but to the whole country. If a bill were introduced to meet the wants of Ireland alone, it would probably fail to provide a right solution of the question and at the same time would hamper its further discussion. It was one of the greatest evils of the present system of legislation that, instead of passing one comprehensive measure embodying a uniform law for the whole of the United Kingdom, three bills were brought in, one for England, one for Ireland, and one for Scotland. It was desirable that the system of separate legislation should be abolished, and certainly it ought not to be applied to any bill establishing a tribunal for the conduct of local inquiries.

Mr. Quill, in reply, observed that the discussion had, at any rate, developed one important point. They were all agreed that the time had come when the talent and energy embodied in and evoked by public life should no longer be suffered to remain in a state of semi-paralysis, as they had been for the last century, but should be quickened into vigorous action by a rapid circulation of the spirit of independence, and those other higher qualities found in connection with municipal and political freedom. They were, he thought, also agreed that the business of the House of Commons required relief, and that the vast number of matters now dealt with by private bills in the House ought henceforth to be referred to some local authority. They appeared to be agreed also on another point, that whatever the scheme might be, the Houses of Parliament should continue to be a directing and central authority, holding the reins with a firm hand, preventing encroachment on the rights of property, and seeing there was no jobbery. Mr. Smyth's bill, as it stood, appeared to answer all the requisites necessary for the further-

ance of the fundamental principles of local government, combining the elective element with the local and popular. The only possible argument against it seemed to be that of time. The bill provided that the local business should be transacted by the Parliamentary representatives on the spot out of session. The Parliamentary session lasted on an average seven months, and that would leave only five for these local investigations. It would be too much to ask members of Parliament, considering the late hours of Parliament, to work for the whole of the twelve months of the year. With the exception of the drawback of time, the bill prepared by Mr. Smyth answered all the requisites of local government. If a local authority were obtained, possessing all those requisites already mentioned, and sitting in permanent session, all the advantages of the bill would be secured, plus the permanent session, and an absolute readiness at all times for transacting the local business. Such a local authority would be obtained in a county board. It had been objected that people who were interested could scarcely adjudicate on the subject-matter involved, because there was a certain amount of want of political morality in the country—a want of backbone and adherence to principle; but was that a reason why that state of things should continue for ever? A vast mass of people still required to be educated. There was a time, for instance, when the Corporation of Dublin was charged with all kinds of peculiar conduct in dealing with the property of the citizens. All that had passed away, and the manner in which business was now transacted by that body, if at times open to some slight animadversion, would not be found open to more serious charges. A country whose people could not produce a voluntary administrative body capable of discharging duties of public trust honestly could never be considered worth preservation. Their highest aim should be to produce such a body of men. Ireland, he believed, could produce such men highly qualified by education and capable of administering public trust duties. Once grant the principle of the county board scheme, and the difficulty as to details would vanish. His contention, therefore, was that Mr. Smyth's scheme and his own scheme possessed all the necessary qualities for the proper working of local government. It had been pretty well proved, however, in argument, that on the score of permanent session the elective body should be a county board, and not a Parliamentary committee.

Mr. Daglish, in replying, said, with regard to the question of time, the House of Commons sat generally for six months, and only for seven when the session was unusually protracted. By utilising the month of October, fifty committees, with five bills allotted to each, would get through all the work. This might be done by a local tribunal of members of Parliament trained for the duty. At present committees did not get to work until after Easter, and then they never sat on a Saturday, rarely on a Wednesday. They did not meet until eleven or twelve in the morning, and rose at four in the afternoon. They scarcely did three hours' work a day. This was rather play than work. One tribunal sitting from ten to five o'clock, for five days a week, would do all the private bill business of the country. It was not too much to ask members of Parliament to give an extra month's work once in three

or four years. For his part he had no confidence in county boards; judging by his experience of them in England, they were not sufficiently disinterested to be entrusted with these duties. Whatever it might be in Ireland, the Local Government Board in England was overworked, and it was a mass of centralisation. The only real objection to Mr. Smyth's Bill, on principle, was that it limited the panel of members to representatives from Ireland, whereas it was desirable to mingle the two nationalities on the same panel. He saw no reason why the panel should not be taken from both Houses of Parliament. It was essential that these inquiries should be local, and the scheme should comprise the requirements of the whole nation. It would be the best arrangement for lawyers and everybody concerned to have the work done on the spot cheaply, economically, and expeditiously.

MISCELLANEOUS.

The following is an abstract of a Paper on 'Defects in International Marriage Law as it affects Women married in the United Kingdom to Foreigners,' which was read by Dr. Neilson Hancock, Q.C. (1) The advice of the Lord Chancellor's memorandum for British subjects, to seek the assistance of foreign consuls before marrying foreigners, with the Registrar-General's information that the signature of the consul has no effect towards rendering a marriage in this country valid in France, indicates the direction in which the solution of the difficulties of international marriages is to be found. (2) In receiving foreigners freely amongst us, we ought, unless they take out letters of naturalisation, and become entirely British subjects, not to encourage them to violate the laws of their own country, or the duties which these laws impose on them towards the members of their own families. (3) We should therefore require them to show that they have complied with the laws of their own country, before any British clergyman or officer marries them to a British subject. (4) As all laws are liable to change, the simplest way of fulfilling the above requirement is to obtain the certificate of the nearest consul or ambassador of the nation to which the foreigner belongs, that the proper notices have been given, and consents of parents or others obtained, and advertisements issued. (5) If this certificate is to be a protection to a British woman and her children it ought to be conclusive. (6) What we ask, we are bound to offer—some equally conclusive document as to the conditions of English, Irish, and Scotch law having been complied with. (7) These conclusive certificates being of international importance, the State should

secure their registration in London, Dublin, or Edinburgh, at the foreign embassy in London, and at the capital of the State to which the foreigner belongs. (8) The ambassadors and consuls or matrimonial courts should have power to validate marriages without a second ceremony, on such terms as the succession of property by other members of the family, as under the circumstances might be just. (9) A foreigner marrying in the United Kingdom, if he deserted his wife, should be liable to alimony, and to support his children; and it should be part of the international marriage treaty that the foreign State should either give him up, as under an extradition treaty, or apply special State facilities for enforcing this claim, to save the burden of the deserted wife and children falling on British rates or British charity. (10) A foreigner successfully repudiating a marriage in the United Kingdom, and returning to his own country, should still be liable to the same extent as he would be liable in the United Kingdom for the support of illegitimate children and for seduction; and it should be a provision of any International Marriage Law Treaty that he should be either given up or special State facilities afforded for enforcing the claim. (11) The diversity of age at which the marriage of Swiss (the foreigners who are most employed abroad) can legally take place—being in different cantons nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five, and being all subject to variation—shows how impossible it would be to expect clergymen or registrars in the United Kingdom to be adequately informed on the subject, and that the most effectual way to protect British women and children is to require resort to the consuls and ambassadors, and to make their certificates conclusive as to the validity of the marriage.

After the reading of the above Paper an interesting discussion ensued, and the following resolution was adopted:—That the Council be requested to take into consideration the conflicts of the British and foreign marriage laws, and the frequency of invalid marriages contracted thereunder, and the inconveniences resulting therefrom, and to take such steps in reference thereto as they may think desirable.

Lieutenant-Col. RALEIGH CHICHESTER read a Paper on 'Decentralisation, *à propos* of the Grand Jury Laws—Ireland;' of which the following is an abstract:—In all contemplated changes of laws affecting our social system, we should seek to foster the growth of nationality, encouraging its healthy action.

Another glowing subject is the growth of democracy. It is a growing power, which sooner or later will permit no

effective rivalry. The great danger of democratic movement is undoubtedly the loss of individual liberty. If it associate to itself, on terms of fair equality, intelligence and property, it will endure. If it seek to rule alone, it will forge fetters for itself. To turn from abstractions to our own circumstances. The Irish people are singularly gifted. As compared with English and Scotch, competitive examinations are in their favour; still we find in Ireland a state of poverty for which it is hard to account. We find the country wanting in manufactures and in local development. The remodelling of the Grand Jury laws would seem to open a door to such a system as will foster Irish nationality, conciliate and reassure property, and enable the people to have the chief voice in their own government.

Grand Juries are irresponsible, and have a taxing power, which should reside in representative bodies. Hence, those who urge reform in these laws are acting the most strictly on constitutional principles.

If we could in each county assemble a body of men in which, as in a mirror, the people, the men of business, the men of capital, the men of culture should find themselves reflected; the difficulty would be. not in enlarging, but in limiting the matters with the supervision over which they could safely be entrusted.

The congestion in Parliament renders the creation of such bodies necessary.

Let us suppose that in each county or riding of a county, there existed a body such as I have described, reflecting every interest—a local Parliament. No bill affecting Ireland exclusively or mainly should be brought before Parliament till laid before, and reported on, by these county boards. In each province a council should sit, consisting of delegates from each of these boards, which should compare and condense the county reports, sending to Parliament one report from each province. The opinion of the country having been declared in the most complete and emphatic manner, little would remain for Parliament to do but to register its approval.

These boards would also succeed to the direction of every local interest, which would thus become directly responsible to the popular voice. Committees of these bodies would administer the Grand Jury laws, the Poor laws, the government of towns, and would supervise and set in motion all other matters affecting local interests.

The educational effect of such a change would be enormous. And an enormous impetus would be given to the

creation of what is so much wanted in Ireland, a stable as well as intelligent public opinion. Such a system would destroy absenteeism. A parliament in College Green would not affect absenteeism so far as the country is concerned. The absenteeism would be no less real because the absentees were in Dublin instead of in London.

The main difficulty would lie in the constitution of these bodies. Now, in the formation of poor law boards in Ireland, there is a safe and useful underlying principle. The principle is that numbers and property should be represented, and should meet, on about even terms.

This principle, though ineffectively carried out on the poor law plan, can have its operation ensured by simple straightforward means.

Thus, in electing the members who are to represent numbers, give the protection of the ballot, and let no one have more than one vote, and that only for the electoral division in which he habitually resides, and to be given personally. Let those who are to represent property be also elected, but by persons having a certain property qualification, and allow of multiple voting. Give every person in the barony or district one vote who pays income tax on 100*l.* a year, adding one vote per centum to his elective power, up to say ten votes. Such a board would be thoroughly representative of numbers, business, property, culture. If there were committed to such boards the whole internal business of the several counties, if they were called on to report on all social legislation affecting the country, there would be brought home to the people a very complete system of self-government in such a way as to alarm no interest, and with every reasonable expectation of its stability.

With so many persons invited to participate in the government of the country in so direct a manner; with so great an inducement for all to spend their lives each in his own district; with such a complete fusion of all interests, it would be reasonable to expect that the resources of the country would soon be developed to their utmost capacity, and that peace and prosperity would reward the wisdom of the legislator and the harmony of an united people.

Dr. Neilson Hancock, Q.C., contributed a report on 'Seduction' (from a Local Committee as to Means of Diminishing Vice and Crime in Dublin), of which the following is a condensation:—An action of seduction may be brought by any person with whom the seduced girl is residing at the time

she was seduced, either in the character of daughter and servant, or of ward and servant, or of servant only. But the law rests on a very antiquated and narrow basis. The foundation of an action against a wrong-doer by the father for the seduction of his daughter has been uniformly placed from the earliest times not on the seduction itself, but on the loss of service of the daughter, in which service he is supposed to have a legal right and interest. This is apparently a remnant of Roman law with respect to women—treating them as little above slaves; and instead of the servant getting protection as a daughter, the daughter only gets protection as a servant. The hard cases which have been decided upon these narrow views of the law could all be met by extending the parental right to sue in all cases of girls under twenty-one years of age, and giving, consequently, to guardians an equal right to sue—resting the action, not on the notion of the girl being a servant, but being a relative, an injury to whom necessarily involved risk of burden and an immediate injury to happiness and comfort of the father and the family. A further anomaly is that when a master or father recovers compensation for the injury, he is not bound to expend any portion of it on the maintenance of the child which may be the offspring of the seduction, or on the support of the seduced woman herself; and if he happened to be in debt himself, the money so recovered could be attached by his creditors. We recommend that the law of seduction should be altered by basing the claim on the injury to the family and society by the offence, and that the funds recovered should be held on trust to be declared by the judges in reference thereto, having regard primarily to the interest of the child or children, and next to the maintenance of the seduced woman; and the ultimate trust should also be in the discretion of the court.

A Paper on the 'Law of Marriage in its bearing on Morality' was read by the Rev. NATHANIEL W. CARRE, A.B., Chaplain of Dublin Female Penitentiary Church. The following is an abstract:—The Law of Marriage in the three kingdoms, despite its importance to Church and State, is very unsatisfactory. I. Passing over minor details, there are four mutually antagonistic methods of celebrating a valid marriage:—1. The State-appointed requirements for a religious ceremonial accepted by Protestants in England and Ireland; 2. The consent of the parties, as under the old canon law, maintained in Scotland; 3. The sacramental theory of the Council of Trent among the Romanists; 4. The civil contract before

the registrar. British legislation has had no guiding principle in dealing with marriage. Arbitrary forms have been made and unmade; have been accepted by some and rejected by others of the subjects. Yet the more anxious the State is to concern itself with the civil contract alone, the more careful should it be to base it on the lines of the moral and social contract. Although it is admitted by the State that marriage does not originate with it, and that it has no power to prevent conjugal union, it yet arrogates to itself the power to make the union illicit and immoral, unless certain regulations be complied with. Consequently, while it introduces endless uncertainties as to whether a marriage is valid in certain cases, it abrogates marriage as an institution of God, and deprives a woman who has been united to a supposed or expected husband of all rights to the completion of the contract. On the moral side, the man is under obligation to make a woman who has trusted and yielded his wife, publicly and legally. As a civil contract, the woman who has consented and acted on the consent should be in a position to enforce the fulfilment of the contract, as any person would be who is finally committed on the faith of an agreement. The moral duty of the man and the civil right of the woman unite in demanding the course marked out in Exodus xxii. 16, but the State ignores the duty, and denies the right. II. It was proved before the Royal Commissioners of 1868 that all the efforts to attain any effective publicity were complete failures. The Acts passed since have made it rather easier to avoid detection. It is unwise to make the validity of marriage depend in any degree on arbitrary regulations for celebrating or registering, which notoriously fail in effecting their purpose. III. The present laws are impolitic as regards the State, unjust towards the woman, and immoral as regards society. Marriage should be defined as constituted solely by consent and consummation; and it should be provable by any evidence, it being competent for the woman to register the union, and thereby complete the contract.

'The Effect of Bankruptcy on Property of the Bankrupt situate outside the Jurisdiction of the Court,' was the title of a Paper read by Dr. Arthur Houston. He discussed in this Paper the effect of an adjudication of bankruptcy, insolvency, or other equivalent proceeding, on property of the debtor situate outside the jurisdiction of the court by which the adjudication is made. Speaking generally, an adjudication made in the United Kingdom operates, in theory, as a statutory

conveyance to the assignees or trustees in bankruptcy, of all the property which belongs to the debtor, or which he may acquire up to the time that the bankruptcy is closed. This conveyance is complete in fact as well as in theory, so long as the debtor has no property, or acquires no property, situate outside of the dominions of the Crown; but its effect in passing property situate outside the dominions of the Crown depends on the extent to which foreign States choose to recognise it. Some foreign States do largely recognise it, not exactly indeed as an assignment of the debtor's property, but as a judgment of a competent court, to which, when rendered executory, as it is called, by an *exequatur*, they attribute the same operation as a bankruptcy taking place in their own courts. A foreign adjudication does not vest the debtor's property in the foreign country in assignees or trustees; but enables an official, styled a syndic, administrator, or other equivalent title, to seize and realise it; foreign courts, therefore, treat the assignee or trustee as a syndic. Conversely, the British courts treat foreign syndics as assignees or trustees. But British courts do not recognise foreign adjudications as operative upon real property, nor do foreign courts always recognise British adjudications. Again, while an English, Scotch, or Irish adjudication vested in the trustees' or assignees' property of the debtor situate in the colonies, a colonial adjudication has not a corresponding effect on property situate in the United Kingdom, or in any colony but that in which the adjudication is made. In order to remedy this latter defect the author suggested that a statute should be passed by the Imperial Parliament enacting that a colonial adjudication shall pass all property of the bankrupt situate anywhere in the empire; but the defect in international bankruptcy law could only be got rid of by an international convention, by which each State agreed to give effect to an adjudication made in another. It would be necessary to provide, by the imperial statute and by the convention respectively, that the discharge of the debtor from his liabilities, which the court making the adjudication may grant him, shall receive a corresponding recognition, otherwise the debtor would be deprived of the property out of which he might be able to satisfy his creditors, and yet be without any protection against proceedings taken against him for recovery of their demands.

A Paper was read by Mr. HENRY DIX HUTTON on 'Registration of Title indispensable for Peasant Proprietors.' The question, he said, is both social and legal; but while

public opinion condemns the existing expensive and dilatory system of conveyancing, lawyers are divided as to whether a general system of conducting dealings with land by registration of title is practicable. Their doubts, however, arise from the alleged difficulty of registering titles and dealings under settlements. Nevertheless, eminent legal authorities in England and Ireland have approved of the system even in such cases. But these objections, whether valid or not, do not apply to the simple titles and dealings of peasant proprietors, who only require a secure, inexpensive, and ready way of transferring and mortgaging their land. Over 600 owners of Landed Estates Court titles have registered them in Ireland under the Record of Title Act. Where no settlements interfere, these owners can transfer and charge their lands safely, cheaply, and speedily according to the admirable method devised by Sir Robert Torrens, long practised in the Australian colonies, and applied to Ireland in 1865 on a plan approved by the late Judge Hargreave and Lord O'Hagan, then Attorney-General for Ireland. But the purchasers of Irish Church lands, peasant proprietors numbering several thousands, enjoy no such advantages; nor do the majority of tenants who have purchased under the 'Bright' clauses of the Land Act of 1870. Their original titles were daily deteriorating, and they could only transfer and mortgage by the ordinary cumbrous and expensive system of conveyancing. Reason showed that without facilities for transferring and mortgaging a peasant proprietary could not prosper, or even long exist. The same conclusion was established by the experience of France, Belgium, and Prussia, where registration of title existed, and afforded the necessary means for dealings with land by small proprietors. The differences between land and stock, where settlements were not involved, were of secondary importance, and they only called for a few simple modifications in the system of dealing by registration of title, so long and advantageously practised in all countries as regards stocks, shares, and ships. Mr. Hutton recommended that the urgent need of registration of title for peasant proprietors in Ireland should be promptly met by placing such properties under the supervision of the Irish Land Commission. The titles of purchasing tenants acquired under the Bright clauses of the Land Act of 1870, and those granted, and to be granted, by the Church and Land Commissioners should, at the outset, be rendered as simple and clear as practicable, and thenceforward confided to the care of the Land Commission, who would provide for the registry of all future dealings. Mr. Hutton pointed out the admirable results of the Torrens system

in the Colonies, and recommended its adoption for peasant properties in Ireland.

Mr. J. MUSGRAVE, of Belfast, also contributed a Paper on 'The Necessity of a Cheaper and more Efficient System of Registration of the Title to Land,' of which the following is an abstract:—The author asked for some consideration in his attempt to treat a technical question in familiar language. He was not a lawyer, but an Irish landowner who accepted the new Land Act, and looked with hope to some of its provisions for promoting a more profitable cultivation of the soil, and a more prosperous and contented people; but all attempts to create a peasant proprietary must be impeded, unless accompanied by a simple, expeditious, and cheap system of transfer and registration of title to land. Many writers ask for 'free trade in land,' and insist that land could be as easily sold as ordinary stock-exchange securities. There is no reason why the fee for registration and the stamp duty payable on both classes of property should not be equalised; but there is an inherent difference between consols, bank, or railway shares, and other paper representatives of property, and land, which tends to make transactions in the latter more tedious and costly.

Sir Robert Torrens, at the late meeting of the British Association, explained and recommended for adoption the colonial system of transfer and registration. In a new colony the surface of the land can be marked off in squares, each having a reference number, which enables a State register to be easily maintained; but in an old settled country, where parishes and townlands—the smallest denominations known to the law—are bounded by winding streams, or the natural configuration of the ground, such a system is impossible. An essential requisite in 'making title,' and one which causes most delay, is a perfect identification of the land. The author mentioned a case occurring on his own property, and others coming before him at petty sessions, where serious disputes between occupiers, resulting in some cases in violent assaults, had arisen from indistinct titles to rights-of-way, turbary, or water-courses, and expressed his belief that so far as the moderating influence of the landlord was neutralised by the Land Act such disputes will increase, unless steps are taken to set out clearly all such rights.

The author produced a sheet of the Ordnance Survey of the County Dublin to a scale of about twenty-five inches to a mile, showing every field in accurate detail, and recommended

that a similar survey should be adopted for judicial conveyances, and eventually for the whole of Ireland; and that the Government, by combining the resources of the Valuation Office, Ordnance Survey, Landed Estates Court, and the new Land Commission, should undertake the duty of verifying all titles and giving effect to all future sales of land in Ireland at an *ad valorem* charge of one per cent. upon the value of the property transferred; and lastly, that such 'judicial conveyance' should be in duplicate, one being retained by a proper officer of the Court, whose duty it should be to endorse all future 'charges' upon the conveyance and duplicate, failing which, such charges should not affect the land. In this way a possible purchaser would see at a glance the exact circumstances of the property, and 'free sale' would be promoted to the advantage of the nation as well as to the owner of the property.

Another Paper, of which the following is a summary, 'On a Comprehensive Land Registry for Ireland,' was contributed by Mr. R. Denny Urlin. A defect in the new Land Act is, that no provision is made for registering the titles of the farms expected to be sold to their occupying tenants. There were similar omissions in the Land Act of 1870, and Church Act of 1869. The registration of *title* has been shown to be superior in every way to the mere registration of *deeds* under the Acts of Queen Anne; and it prevails in our colonies, and is in substance the system under which the vast property in Government and railway stocks and shares is held. It has only been attempted here in a lame and imperfect manner; and certain amendments ought to be made in the direction of simplicity and efficiency. Also, every grant of land, made under the authority of any Act of Parliament whatever, ought to be in duplicate, one part being recorded in a central registry, without any option of withdrawing. All recording and registering should, for the sake of convenient reference and inquiry, be in the same central office. The inconvenience of having different laws in force might easily be surmounted by the use of indexes, which would obviate mistake or confusion. This consolidation of offices would be very convenient to the public; and year by year there would be more property on the new record, and less upon the old registry books. The control and rectification of all the books and records is a matter of high importance; and this should rest with the Land judges. On public grounds it is evidently unfortunate that these judges should have been absorbed into the High Court,

as it would have been better to leave them their distinct *status*, like the Bankruptcy judges; and like the latter, they should arrange to take vacation at different times, so as to avoid a virtual stoppage of business for three months every summer. But with all drawbacks, it would be easy to establish one comprehensive Land registry, under judicial control; and by degrees to bring all the land of Ireland into an improved and simplified register. Without such, it is a dubious benefit to them to turn tenants into small fee-simple proprietors.

Sir ROBERT R. TORRENS, K.C.M.G., also contributed a Paper on the 'Practicability of applying Registration of Titles to Land in the United Kingdom by the method which has proved so successful in the Colonies.'[1] Quoting from the report of the Committee of 1879 on Land Titles and Transfer as follows:—'On the one hand we are informed on the authority of Mr. Follett and Mr. Holt that no system of registration of tithe can be devised which will be voluntarily adopted, and on the other hand we are told by the Lord Chancellor that he has not yet seen any way by which registration of titles may be made compulsory,' he referred to the evidence (query 2873), wherein the Lord Chancellor states the grounds of his opinion thus:—'If you make registration of land compulsory, you must at once open out throughout the whole country a complete system of local offices, because you cannot make it compulsory upon a man to come up to London to register a few acres of land; you must have the whole machinery ready before the Act begins to work. That is an enormous thing in this country, and frightful to contemplate, and in the next place you must be prepared to do this at a very much smaller expense than any fees of registration have been proposed to be.' If, indeed, there existed no machinery for conducting registration of titles other than by district registries 'throughout the whole of the country,' as assumed by Lord Cairns, the proposal would indeed be, as he has represented it, 'something frightful to contemplate.' But in the first place we have in Dublin and in Edinburgh metropolitan registration of deeds in operation for more than a century, and no inconvenience or complaint upon that score has arisen, and in the next place we have throughout the wide expanse of the British colonies demonstrated on a great scale, not merely the feasibility, but also the vast superiority of metropolitan as distinguished from district registration. There is no occasion for the parties carrying on any dealing to visit the metropolis. The trans-

[1] See *Transactions*, 1878, p. 199; 1873, p. 205; 1872, p. 159.

ferror would have in his possession his certificate bearing endorsed thereon memorials of all that it concerns a transferee to be made acquainted with except the existence of inhibitions or caveats. The parties appear before a mayor, notary public, or commissioner for taking affidavits, to have their identity proved in the prescribed manner. The brief form of transfer printed on the back of the certificate of title is then signed by the transferror and attested by the mayor or other functionary. The transferee then, by post or wire, enquires of the registrar whether caveats or inhibitions are entered against the title, and on receipt of a negative reply pays the purchase-money in exchange for the certificate. That instrument is then sent by post to the metropolis to be registered, and is returned to the transferee with registration stamp. The cost of such a transaction, postage and telegrams inclusive, would seldom exceed twenty shillings, and the business may be completed within a day or two in ordinary cases. The Paper quotes largely from the 'Reports of the officers of the nine colonies, given in the blue book on registration of titles in British colonies,' laid on the table May 10 last, in disproof of the statement of Mr. Osborne Morgan, chairman of the committee before referred to, that 'settlements are rare, and entails unknown in these colonies, and the first step towards making registration of title practicable in this country is to make a clean sweep of our real property laws,' these reports testify that settlements are frequent, and entails far from being unknown, especially in the older colonies, and endorse the statement of Mr. Henry Gawler, Examiner of Titles in South Australia, that 'the Torrens Act in no way interferes with the principles or rules of law, or with the powers of land owners or their rights, or liberties, but *only with the machinery by which* such rights or liberties may be created or protected, without the intervention of the statute of uses.' Sir R. Torrens pointed out that Estates Court Titles, and those issued by the Church Commissioners, as also those to be issued under the Bright Clauses of the Irish Land Act, as well as titles enfranchised by the Copyhold Commissioners in England, and parliamentary and judicial titles in both countries, were to all intents, for the purposes of registration on all fours with the Crown grants issued in the colonies, and, therefore, in respect to these the work might be commenced immediately, and conducted by a slight addition to the staff under Mr. Spencer Follett, in London, to that of the court in Dublin, and to that of deeds registration in Edinburgh. He, however, deprecated such narrow limitation of a measure so beneficial that in the

estimation of the Royal Commissioners 1858, confirmed by actual experience in the colonies, 'its general application would be equivalent to an addition of five years' purchase (some will say ten) to the value of all the lands in this kingdom.'

If the first placing of land under the Act were confined to dealing with the fee simple, the system would become operative very gradually, and the necessity for appointing 'an enormous staff involving vast expenditure,' as depicted by Lord Cairns, would be avoided, and a great convenience secured by getting the root of title on the register to constitute a folium appropriated to each parcel of land for recording subsequent dealings therewith. Thus limited the measure should be metropolitan and compulsory, and the title indefeasible except so far as regards prior dealings with titles placed on the register as 'possessary only,' in consequence of their not being approved by the examiners as at least good holding titles.

For detailed exposition of his system Sir R. Torrens referred to the blue book of May 10 last on *Registration of Titles British Colonies.*

The statistical returns showed, that during periods averaging from twenty-two years in the case of South Australia to six years in Western Australia, the total transactions under his system, including 152,800 old titles registered, was 539,000.

In conclusion he claimed to have solved the dilemma in which Mr. Osborne Morgan's committee found themselves placed, and showed that there exists no insurmountable obstacle or even serious difficulty in applying that system to estates and interests in land in this country.

A Paper on 'The Depositors in the Tipperary Bank, and the Cost of Proving Wills and distributing small Assets in Ireland,' was read by Dr. NEILSON HANCOCK, Q.C. The following is a summary of the conclusions which he submitted to the department:—

1. That there should be the same legal facilities for repaying the depositors who have 28,289,000*l.* in the Irish Joint Stock Banks, as have been found necessary, and have existed for years, in respect of the repayment of the depositors who have 1,980,000*l.* in Trustee Savings Banks, and those who have 1,426,000*l.* in Post Office Savings Banks.

2. That the representatives of the depositors in the Tipperary Bank are as much entitled to sympathy and consideration as the representatives of the depositors in the Tralee Savings Bank.

3. That as central public officers (Mr. Herbert Murray

and Mr. Lane Joynt) were allowed to volunteer their services as statutable arbitrators under the Tralee Savings Bank Act of 1876, to secure the payment without expense of the Tralee depositors, local public officers in Ireland should be allowed to volunteer their services, with like powers, to secure the payment of the depositors of the Tipperary Banks.

4. That as care was taken in 1876 not to forfeit to the Imperial Exchequer the fund which belonged to the depositors of the Tralee Savings, but special provisions were made by Parliament to remove the legal difficulties in the way of payment, so now the dividends declared payable to the representatives of the depositors of the Tipperary Bank should not be forfeited to the Imperial Exchequer under the earlier Act of 1867, on account of the cost of proving wills; but that the same provisions which were made in the Tralee case to guard against such a hardship, should be applied to the case of the representatives of the 647 depositors and creditors of the Tipperary Bank.

5. That the Tipperary case calls attention to the hardships arising from only 4,500 out of 35,000 wills or intestacies being legally managed in Ireland.

6. That the places where wills can be proved should, in proportion to the population, be as numerous in Ireland as in Scotland—or fifty places instead of the existing number of twelve places in Ireland; the smaller number arising from the number of united dioceses in the Church of Ireland for Protestant Episcopalians.

7. That the improvements which have been introduced in the Scotch Intestate Widows Act, for the benefit of people with assets below 150*l.*, should be extended to Ireland.

8. That the Petty Sessions Clerks should be used as officers of the Superior and County Courts, to the extent necessary for the adequate localization of the proving of wills and administration of assets of people with less than 150*l.* assets.

9. That the provisions of the Land Act of 1881, as to the legal representatives of tenants, makes the reforms suggested in this paper of urgent importance at the present time.

10. That the principle of the Tralee Savings Bank Act of 1876 is applicable to the representatives of the owners of several thousand pounds of unclaimed property in the Chancery Division of the High Court of Justice; and the contemplated transfer of that property to the Imperial Exchequer makes the application of the principle one of immediate importance.

11. That it is of great importance at the present time to

afford as many public officers as possible an opportunity of showing, as was shown in the case of the Tralee Savings Bank in 1876, zeal, activity, and administrative talent, exercised for the benefit of the poor and helpless, and of the representatives of those who have been the victims of a calamity.

A Paper entitled 'What are the Limits of the Right of Intervention for the Suppression of Slavery and the Slave Trade?' was contributed by Mr. SHELDON AMOS:—In the ordinary text-books of International Law it is stated, he said, that one of the grounds for legitimate intervention in the internal affairs of an independent State is that of consideration of the claims of 'humanity.' But this proposition is rather founded upon the need for explaining or justifying special acts of intervention in recent times, than announced as an abstract truth of universal validity.. The usual instances cited in illustration of the exercise of the alleged right are supplied by the joint interference of France and England in the case of the gross misgovernment and attendant insurrections in parts of the Turkish dominions, such as Syria, Crete, and Greece. Illustrations of the same doctrine are usually also cited from the assumed claims of civilised States to make treaties with each other for the prevention of the Slave Trade, even as carried on by other States than themselves, and to punish those found concerned in it on the high seas as guilty of piracy by the law of nations.

In commenting on reasoning of this sort, it is to be noticed that the term 'humanity' is loose and vague in the extreme, and might be made to mean any sort of sentiment of an ostentatiously benevolent kind which governed the action of any two or more States strong enough to give effect to it, and under cloak of which they could achieve any diplomatic object they had in common.

Furthermore, if 'humanity,' as here used, really means a disinterested antipathy to gross outrages inflicted on a helpless population, then it is true that the kind and limits of outrage which can alone justify intervention assume different proportions according to the prevalent moral and political sentiments to which appeal is made. Little more than one hundred and fifty years ago, dealings in the Slave Trade were regarded, even by British merchants of the highest repute, as equally honourable with any other commercial transaction. Even at the time of the abolition of slavery in the British colonies, a broad distinction was drawn between the iniquity of holding Slaves and that of recruiting the Slave-market by obtaining

fresh supplies of them. After the abolition of Slavery in North America, public sentiment received a fresh impulse in the direction of condemning Slavery itself, as well as the Slave Trade, always and everywhere. The still hesitating attitude of the public is witnessed by the uncertain notes which the President of the United States has, in Messages to Congress, given from time to time in reference to the possibility of intervention in Cuba for the ostensible purpose of putting an end to Slavery there, and also in the effectual resistance of the English people to the attempt recently made by the British Government, by its notorious Slave Circulars, to co-operate with Slave-holders in Slave-ports visited by British ships-of-war.

Political causes, such as the diffusion of education and the progress of constitutional government, have, within the last few years, conspired to elevate to an unprecedented pitch the claims of personal freedom. These claims are now assuming a far more distinct and practical shape than they bore in the celebrated assertion of the Declaration of Independence that 'all men were born free.' In bringing the application of such doctrines within the realm of politics, much embarrassment is encountered by the necessity of paying regard to the different stages of advancement in which States within the region of diplomatic action are found, and the various conditions of Slavery, passing through the grades of all but voluntary domestic service, forced labour, life-long mental as well as physical bondage, and mere villenage or serfdom, which are found to prevail in those States.

Nevertheless, the difficulties of a problem are no reasons for abandoning its solution. The question here is not whether there is a right or duty of intervention for the suppression of all sorts of Slavery everywhere, but whether there is a right, with a corresponding duty, of intervention for the suppression of some sorts of Slavery in places which seem pre-eminently to call for it. At the present moment the moral sentiment of all the most civilised States of the world, as they may be called, is undoubtedly condemnatory of slavery and the Slave Trade, understanding by slavery, at the least, the life-long enforced subservience of one person to the arbitrary will of another. It may be concluded, then, that if a right of intervention exists on behalf of vindicating outraged 'humanity,' it exists for the purpose of abolishing the institution of Slavery, and *à fortiori* the Slave Trade. Of course the degree, kind, and time of intervention belong to the region of diplomacy in politics, and only in a correlated manner to that of law and ethics.

But, within the last few years, the abstract doctrine relating to the right of intervention of State with State has been undergoing no small modification. In the face of such facts as the recent settlements by outside Powers of various provinces of the Ottoman Empire, and the number of subsisting treaties by which the smaller States of Europe are protected, neutralised, or restricted in their free action, it is impossible any longer to predicate independence as an essential characteristic of a State. It is no more possible to do so than it is, in the case of the private citizen, to confound the notion of personal and political freedom with exemption from the claims of law, or from obligations to the Government. There is no doubt that the tendency of things is towards the reproduction, in a new form, of the intricate network of relationship between State and State which the doctrine of the Balance of Power and the personal connections of sovereigns once generated among the States recently risen out of feudalism and the crumbling framework of the Holy Roman Empire. It seems likely that the question will be, not whether intervention is permissible here and there, but whether it can be excluded anywhere. As international association increases, an urgent demand will discover itself, not indeed for the assimilation of institutions, but for the proscription of all institutions which render association impossible. Among these institutions, shortly to be proscribed, Slavery holds a prominent place. Not only is it impossible that the precautions for maintaining the institution can exist side by side with a free and untrammelled commerce, but the domestic cruelty it involves in its very nature, and the abnegation of the most precious human rights on which it can be alone based, must diffuse a vicious taint which no neighbouring country, itself guiltless in the matter, will endure. The resistance to Egyptian slavery and to the Abyssinian Slave Trade —though that resistance has its foundation in genuine humanitarian feeling—is undoubtedly deriving strong political support from the apprehension that the best interests of England and France in Egypt are incompatible with the continued existence of an institution fatal to Egyptian progress and to Egyptian concert with Europeans.

It may then be laid down that two movements are now taking place towards one and the same point—that of the extension of the legitimate grounds of intervention to the object of suppressing Slavery as well as the Slave Trade. Slavery is felt, as never before, to be inconsistent with the due regard to the primary and paramount claims of society and of mankind. The right of intervention is recognised as an ordi-

nary and common right, needing nothing else to justify its use than the persistent patronage of institutions incompatible with social intercourse between State and State.

It happens, indeed, that at the present moment the controversy as to the limits of the right of intervention is mainly of importance because of the recently aggravated increase of the slave traffic in Egypt, coupled with the proved impotency of the native Government to suppress it, and because of the peculiar relations of the Western European Powers with the Egyptian Government. So far as Egypt is concerned, it might be sufficient to allege, that seeing that England and France, not to say Germany and other Powers, have never scrupled to intervene so often as any monetary interest was at stake, it is going a very little way further to justify special intervention on behalf of vast populations in Central Africa, robbed, abused, mutilated, massacred, and, in some cases, exterminated, through the weakness and inefficiency of the Egyptian Government.

England and France, with other Powers at their back, have established a permanent and effectively working system of control of the Egyptian Government. They have made, paid for, administered, and maintained in working order, the Suez Canal. They have, as soon as ever the interests of their own subjects suggested it, removed the diadem from the brows of one king and placed it on those of another. By the creation of the Mixed International Tribunals they have, again in the interests of their own subjects, called into being the most startling of innovations upon the well-established doctrines of international right. They have, furthermore, through the direct instrumentality of England and the Egyptian prime minister, Cherif Pasha, made a special treaty for the suppression of the Slave Trade, and the gradual abolition of Slavery itself. In view of such facts as these, the limits of the right of intervention can hardly be described, because they vanish into the infinite distance. The evidence of Captain Burton, in his letter to the British Government, on February 7 of the present year; that of Colonel Gordon, at the close of last year; as well as the Reports of Professor Robertson Smith and of Mr. John Scott, the British member of the International Court of Appeal, which can be read in any of the ordinary organs of information on this subject, all point to one and the same conclusion—that Egypt is by itself impotent to carry out the provisions of her own treaty with England for the suppression of Slavery and the Slave trade; that, in fact, it has not been carried out, and matters are vastly worse now than they were

when the treaty was signed, in August 1877; and that only direct intervention on the part of the Western Powers of exactly the same kind as that already resorted to for purely financial purposes can arrest the brutal sacrifice of, and the incessant drain upon, innocent populations in the valley of the Nile.

The last Paper read in this Department was one, of which the following is an abstract, on 'Recent Legisation and attempted Legislation with regard to the Property of Married Women in England and Ireland,' contributed by Mrs. WOLSTENHOLME ELMY [1]:—

Fourteen years ago, at the Belfast Congress of this Association, a memorial was presented to the Council, calling their attention to the harshness and injustice of the law of England and Ireland with regard to the property, earnings, and maintenance of married women.

The Council received the memorial favourably, and took such action as resulted in the introduction in the Session of 1868, by Mr. Shaw Lefevre, of the 'Married Women's Property Bill.' This Bill, with the later history of which the name of Mr. Russell Gurney is associated, was carefully considered by two Select Committees, and finally passed the House of Commons in 1870 by a large majority, in a form which embodied, with scarcely any limitation, the just principle that a woman's right to her own property ought not to be forfeited by her marriage.

The House of Lords, however, either through timidity or excess of caution, so mutilated the Bill as to restrict the application of this principle to the cases of—

(1) Earnings made by a woman during her marriage and after the passing of the Act.

(2) Gifts and bequests not exceeding 200*l.* in value.

(3) Personal property coming to a woman during her marriage through an intestacy.

(4) Rents and profits of real estate coming to her during her marriage as heiress or co-heiress of an intestate. All other property was left under the operation of the Common Law, and so passed from the wife to the husband in virtue of the marriage.

A permissive power was given to a married woman, or a

[1] See *Transactions*, 1880, p. 181; 1879, p. 205; 1877, p. 241; 1875, p. 265; 1870, pp. 92, 242; 1869, pp. 33, 199; 1868, pp. 36, 130, 238, 275; 1867, p. 292; 1861, p. 255, see also *Sessional Proceedings* 1867–68, p. 189; *Law Amendment Journal* for March 26, 1857; *Report* of Personal Laws Committee of Law Amendment Society.

woman about to marry, to protect such property as she could, with the concurrence of her husband or her intended husband, secure, by investing it in one or other of the carefully restricted classes of investments specified by the Act, which further imposed upon every wife possessed of separate property the same Poor Law liability to maintain her husband which her husband was under to maintain her; and made her liable, like a widow, for the maintenance of her children.

Outside these limits, the Act left in operation all the Common Law disabilities suffered by a woman through her marriage. She has no power to contract or be sued; no power of suing for injuries done to her; no right of bequest; nor does she recover her own capacity even when her husband's lunacy renders him incompetent to act for or with her.

Efforts were made, in 1873, for the removal of these disabilities, and of the vexatious restrictions imposed by the Act of 1870. They were renewed in 1877, and have been continued in each subsequent session. The Married Women's Property Bill of 1881, which has a decisive majority of the House of Commons in its favour, will secure to a wife her own property, and make her liable upon her own contracts. Under its operation she will be able to sue and to be sued, and to acquire, hold, and dispose of property, both real and personal; her property will remain her own, and she will retain the responsibilities incident thereto, just as before her marriage.

This Bill, which was read a second time on the 13th January without a division, was only defeated by the operation of the half-past twelve o'clock rule, in a session of unprecedented character. It will be reintroduced early next session, with every probability of speedily becoming law.

REPRESSION OF CRIME.

Address

BY

FREDERIC J. MOUAT, Esq., M.D., F.R.C.S.,

CHAIRMAN OF THE SECTION.

I SHOULD unhesitatingly have declined the honour of presiding over this Section of the Department of Jurisprudence, were I expected, as a condition of its acceptance, to possess an acquaintance with all that is implied in its designation—the Repression of Crime.

What is termed crime, covers an extremely extensive field of knowledge in its range. It embraces the whole subject of morals in their relation to the social organism, and the history of civilisation, from the simple savage with his few wants and rude associations, to the complex life of cultivated communities. It includes likewise the entire body of penal and criminal laws, their causes, consequences, and mode of operation, as well as the education and training of the young, with a view to their right direction; not only of the offspring of the predatory classes, with whom crime is hereditary, but of the children of all who, from the accidents of birth, poverty, and evil surroundings, are liable to acquire irregular habits, culminating in the commission of faults, which constitute in the eyes of the law *crimes*, but which can scarcely be rightly so regarded before the age of real responsibility is reached.

Fortunately for you, and for me, the rigorous limit of time allotted to introductory addresses admits only of the consideration of one or two topics of present interest in this wide field; and to these I shall restrict my remarks, with a few observations on the general bearings of the question in relation to punishment and reformation, or cure and prevention.

My knowledge of prisons and prisoners was acquired in India, where I had for fifteen years administrative charge of the prisons of the oldest province of the Indian Empire. They contained the criminals of sixty millions of souls, from naked savages, with no written language, and the faintest indications of civilisation, to the most cultivated people in the eastern possessions of Great Britain, including a tolerably large admixture, I am sorry to say, of the European element.

I mention this, as it is sometimes supposed that Indian experience is not applicable to European circumstances, the conditions of life and society being so widely different at home and abroad. I do not concur in this view, because the great, universal, immutable principles which guide, direct, and control personal conduct, or let loose evil passions, are those common to our nature in all states of society, modified only by ethnological and climatic influences, which make crime and criminals a far more difficult problem to solve in the East than it is in the West. The duties and responsibilities of an Indian official at the head of an administrative department cover so broad a range of men and manners, and he is of necessity armed with so great a power of dealing decisively with intricate problems of control and management, for which no code of regulations can fully provide, as to compel him to assume serious responsibilities at any moment, in circumstances which no ordinary foresight can altogether provide against. For example, just before the charge of the prisons of Bengal was entrusted to me, a slight error in the mode of carrying out an order, right in itself, but which was an innovation on the habits and customs of a large section of the population, caused a terrible commotion in a great city, which needed the interposition of the highest authorities to quell; and which in another prison of the same province was attended with bloodshed, so keenly do caste and similar social considerations influence the actions of multitudes of our Indian fellow-subjects. I subsequently enforced the same order, without trouble or difficulty, by avoiding the rock on which the action of my predecessor was wrecked. I know of no subject more full of interest, and even of romance, than that of the hereditary criminals of many parts of Hindustan. The revelations regarding the Thugs, and other criminals by profession, contained in the archives of the Indian Government, open out new views of ethics; and the reflection of the ancient civilisation, manners, customs, and laws, with the admixture of races from the tides of conquest which swept across the country long before our advent, each leaving some adverse influence behind, still continue to be disturbing elements of

government, demanding most careful study by those charged with the rule of that magnificent empire.

One striking example occurs to me, which I may mention on this occasion, as it led to the untimely death of one well known and much loved here, who was likewise among the best and wisest rulers India ever had—the late Lord Mayo. He was assassinated by a fanatic, who had borne an irreproachable character until he, in an evil hour, consummated a tribal blood-feud in strict accordance with the customs and traditions of his people, unfortunately for him on our side of the border. For this he was tried, convicted, and sentenced to death. The High Court commuted his death penalty to transportation beyond the seas, against which change of sentence the wretched man appealed in vain, as crossing the black water was worse to him than death—degradation in this world, and eternal punishment in the next. Brooding over this, and moved by fanatics more astute than himself, he committed the greater crime which plunged a nation into mourning, not only from motives of revenge, against what he considered an unjust sentence, but to regain a lost place in his ideal paradise. Had he been allowed to undergo his commuted life sentence without crossing the seas, the course of Indian history might have been changed, and a life of infinite value to his country been saved. On such small beginnings do great issues often depend.

I could give you many examples from my long Indian experience of the difficulties of prison management in that country, and I could narrate not a few striking incidents throwing light upon the great principles which should be observed in dealing with crime and criminals, for they are universal in their application. But the time at my disposal does not admit of it, and I must proceed at once to the points of greatest present interest in connection with the subject—the proper treatment of juvenile delinquents, and the working of the Prison Act of 1877.

In neither of these cases shall I support any contention as to the increase or diminution of crime generally in the country, by an appeal to figures. Their analysis would occupy the whole time at our disposal, and in addition to the prison returns would need a careful scrutiny of the police and judicial reports, as well as those of reformatory and industrial schools, including likewise the statements regarding pauperism and lunacy, and those relating to commerce and agriculture; for it could be shown that all of these have some connection, however remote, with the rise and fall of the barometer of crime. I doubt if the official figures, collected from all sources

with great care as they evidently are, contain all the factors necessary for a rigorously exact deduction, if such a thing were practicable.

The loose, inexact, restricted, one-sided manner in which figures are too often employed to bolster up pet theories, or sustain foregone conclusions, has sometimes brought statistics into undeserved discredit, for figures are not always exponents of facts, are too easy of manipulation by those whose object is not to seek the truth, and are dangerous weapons in unskilled hands, even where there is no suspicion of evil intentions. They also require to be weighed as well as counted, to avoid the fallacies to which the numerical method itself is, in all circumstances, liable.

The tables appended to the last reports of the Directors of Convict and of the Commissioners of Local Prisons are most valuable and instructive, and need very little addition to render them complete, so far as they go, for legislative purposes. They prove indisputably that a great and important work is being performed in a quiet, steady, unostentatious manner; that most crimes are decreasing numerically, in greater or less degree; that the industrial schools and reformatories are aiding very materially in these good results; and that a body of evidence is gradually being accumulated, which cannot fail to be of the greatest use in the future consideration and determination of all questions connected with the repression of crime; for legislation has by no means said its last word on the subject.

This is as it should be, for there is no class of institution under the control of the State, which affords better means of collecting and digesting facts bearing upon the physical and moral relations of by no means the least important section of all communities, uncivilised or civilised—the criminal and predatory classes. Prisoners are so absolutely under control, and have, during the time of their incarceration, so completely forfeited all liberty of action, as to render it possible to subject them to a closeness of observation and examination, impracticable in any other class. The interests of civilisation, of justice, and even of humanity, demand that these opportunities should be thoroughly utilised for the general welfare.

The Social Science organisation could perform no more useful work than in appointing a permanent Statistical Committee to collect and digest, in a readable form, from year to year, all the facts and figures scattered through the various blue-books and other publications relating to the different branches of social economy which they meet together to discuss and consider. A grant in aid for the entertainment of a

qualified paid officer to have charge of this duty, would be a wise disposal of any available portion of their surplus funds.

Juvenile Delinquents.—During the past year there was a considerable amount of discussion on the subject of the treatment of juvenile offenders. and a conference of the managers of reformatory and industrial schools was held in London, to consider the present state of the law regarding them. I have not had time to follow the discussion very closely, or to ascertain the exact origin of the movement; but to me the chief points of interest connected with the question are as to the suitability or otherwise of prisons for such offenders, and the extent of the responsibility of parents for their care, as well as the best means of bringing home this responsibility to them.

The ages of the children on the commission of their first offence, and the fixing of the exact time at which real responsibility begins, are also important factors in the determination of the procedure to follow.

Now, a little incident which happened to me a few years since, in the early days of School Boards and the general extension of education, gives, I think, the key-note to the whole matter.

I was passing through the large arched covered way beneath the Charing Cross Station, in London, on the day the Queen opened Parliament, and I was much struck with a group of very young, ragged, and unusually good-looking children, engaged in a noisy wrangle, and using the most foul and offensive language in their altercation. They were selling copies of the Queen's speech, and as soon as I appeared on the scene, a bright, fair-haired, blue-eyed, singularly symmetrical, half-naked little maiden rushed out of the ring, of which she was the centre, the most noisy, and evidently the most corrupt, as well as the oldest. She assailed me in a sweet, gentle, winsome way, in strange contrast with her previous proceedings, urging me to take a copy of the speech.

'How can I buy anything from one who can use the fearful language I have just heard, and of which I hope you do not understand the meaning?' I said.

The tiny crowd then gathered round me, as she replied, 'Lor, sir, is there any harm in it? We always quarrel that way —and so do father and mother. We mean nothing bad by it; and if you will tell us what's wrong, we'll not do it again.'

After a few minutes' conversation with the group—for whom my heart ached, so fearlessly, honestly, and without impudence did they assure me of the truth of their state-

ments—by the bestowal of a small rètaining fee I extracted promise of amendment, which I afterwards found had been kept.

'Is there any harm in it?' 'So do father and mother!' This is the whole gist of the matter; and here was the raw material of juvenile crime in rapid process of manufacture into the blasphemer and thief, to crystallise, by the natural process of development, into the habitual criminal.

Having many years since passed some time with M. Demetz at Mettray, and heard from him in great detail the history of his manner of dealing with juvenile offenders, and the principles underlying his action, as well as studied their practical application in his own and in the other schools of similar kind, then and since established, I am satisfied that a prison is at no time a fit place for a very young offender, on the commission of a first or second, or any offence. That a few days' or weeks' confinement in a gaol should exercise any influence, good or bad, upon such a child, I cannot understand; for impressions at that age, unless part of daily life for a long continuance, are very fleeting and writ in water. Evil propensities—many, if not most, of which are quite as much the outcome of defective organisation, as of bad example—can only be cured or removed by a long course of patient training; by a close study of individual character; by a complete removal from evil surroundings; and by such agencies as exist at Mettray and Redhill, but are never to be found in a prison, whatever its construction, arrangements, and management. I omit all reference to the prison brand, because I am among those who disbelieve in it. Nor do I think a young child, however precocious in vice, can attach any real sentiment of disgrace to confinement in a prison.

Upon the subject of the training of young offenders, I strongly recommend to you the study of a Paper read before the Statistical Society of London, in 1851, by the late Mr. Fletcher, on the farm schools of the Continent. My own essay on the education and training of the children of the poor, published last year, contains some information on the same subject; for pauper children, street arabs, and the inmates of industrial and reformatory schools, are all of somewhat similar type, the first named, prior to training, being the least favourable specimens in morale and physique. That the present manner of dealing with them in special institutions is correct in theory and successful in practice, is shown by the abundant proof which has been accumulated that the workhouse school is no longer the chief recruiting ground of

criminal children, and that in mental and bodily development many of the trained pauper children are well abreast of the children of more favoured classes.

The few children of the above classes who are absolutely incorrigible—for there are unfortunately such—need more than ordinary care and treatment, and for them a special institution should be provided. It might partake somewhat more of the character of a prison than of a school, although I doubt the necessity of this; for more can be accomplished by intelligent vigilant supervision, than by any form of mechanical restraint which can be applied. It may be objected that the cost of such measures would exceed the benefits attainable by the most complete success. I doubt this; for while it is impossible to estimate by any mere money standard the value of reclaiming these waifs, the saving in judicial establishments, and of property by all measures which lessen the numbers and diminish the depredations of the predatory classes, would, if this test could be applied, show a considerable balance on the right side of the national ledger.

The heredity of criminal propensities is better seen in early than in later life, and is almost invariably associated with types of physical organisation, easily detected by those who make a special study of them. Hence the need of the most careful individualisation in the training of those who resist all ordinary means and instruments of education, and whose intractability is no doubt due in some measure, at present an unknown quantity, to defective congenital organisation. Hence, also, the absolute necessity of the selection of fit skilled agency for the management of such an institution, to educe all that is good in the nature of such children, and to eliminate all that is bad, so far as human means can accomplish this end, without a resort to harsh measures of repression.

A whipping of moderate dimensions has been widely recommended as a fitting punishment for a first offence, at an age when almost all agree that a prison would be unsuitable. I doubt the efficacy of this mode of correction, because such crimes as are committed by the class of children referred to are seldom, if ever, really first offences or solitary acts, or the yielding to sudden temptation of a previously orderly child, brought up in wholesome conditions of life; and, goodness knows, these unhappy gossoons get kicks and cuffs enough in their own homes, to harden them against the mere infliction of moderate pain by other means, with whatever pomp and ceremony inflicted. Their offences are most likely the first criminal acts detected and brought to trial, and are generally the result

of a continued course of bad example and evil surroundings, for which such a remedial measure is about as efficacious as a single dose of unpleasant physic would be to arrest or cure a deep-seated organic disease. The savage floggings of our public schools, which many now living experienced, did not succeed in checking the offences for which they were deemed the right remedy. Have our boys become less manly, mischievous, or larcenous than their grandfathers, and has the comparative disuse of the cane and the birch been attended with an aggravation of the breaches of discipline in school life —among which were and are the plundering of orchards, and the little larcenies which are the 'rank blasphemy' of the ragged urchin? Has not, on the contrary, the tone of feeling of the 'Tom Browns' of our scholastic republics been raised by relying more upon good feelings, rather than by operating upon fears? Depend upon it, the sugar is more efficacious without the cane from which it comes. *Experto crede.*

I well remember a cruel caning to which I was myself once subjected, in an excellent school. The head master was a really kind-hearted but terribly strong-fisted man, deeply imbued with classical learning, and super-saturated with the prevailing theory and practice of school discipline. He administered the punishment himself; because I refused, both before and after I was horsed, to 'peach' and give up the ringleaders of a serious school riot, of which I was an involuntary spectator, but not a participator.

'You may kill me with your cane,' I muttered in my agony, for he laid it on heavily and thickly, 'but you shall never make a cur of me!' I need scarcely say that the 'bacculine argument,' in its severest logic, had no reformatory effect on me, or on the school specially paraded to learn the lesson. To question the justice or injustice of this vicarious punishment never entered our heads, for few of us had then crossed the asses' bridge, and what we were led to believe was the law, we accepted as such.

But, I am by no means sure that this very whipping did not exercise considerable influence on my action as a magistrate in the prisons under my charge, with plenary power to flog on summary trial and conviction, a power which I exercised but once in the whole fifteen years of my administration, during the temporary absence of the magistrate in immediate charge of the gaol, and then, in a nominal form—five strokes of a cane lightly laid on an old Sepoy mutineer, for refusing to work. The example of this man guided the action of hundreds of others similarly circumstanced; hence the resort

to a proceeding which was extremely repugnant to my own feelings. The exhibition of the possession of the power, and of the will to use it in case of need, were sufficient to prevent its employment—so much more effective are moral than physical agencies, in all such circumstances.

The determination of the time at which all admit the school to cease to be fitting, and the prison to become necessary for the punishment of young offenders, is also a matter of much importance, and of corresponding difficulty. Age again is taken as the limit, and it is not easy to find one more suitable; yet, every one who has been charged with the care of such children knows what a frail reed it is to lean upon. The most suitable age to fix, then, appears to me to be that in which the time left for school training is insufficient to produce a permanent effect, for it is impossible to retain them in reformatories or industrial schools much, if anything, beyond eighteen years of age; as, even if it were good for themselves, it would be injurious to the younger children in the same institutions. I prefer the term 'adolescents' to that of 'young persons' for this class, because it is the period of puberty which governs the question, and this is known to vary considerably in different children. With cellular prisons and trained staffs, and with the power of classification now given by the Act of 1877, the old difficulties need no longer be experienced, as a special compound of school and house of industry can easily be created. The necessity of this is clearly shown in the last report of the Commissioners of Prisons, where it is stated that, 'these figures [the ages of the criminal population] cannot but be regarded as affording a demonstration that men take to crime in the earlier rather than in the more mature periods of life, and that means for its effective repression are to be sought more among the agencies for securing a good training of the neglected part of our population in their early years, than in any form of punishment which can be devised.' Wise and weighty words from the responsible authorities charged with the most material part of this great work.

The responsibility of the parents is even a more difficult matter to deal with, for whilst it is most undesirable to loosen natural ties, to lessen natural obligations, and to deprive parents of the comfort and aid of their children, it is difficult to secure a proper fulfilment of their duties towards them, without serious permanent detriment to the children themselves.

Here it is, then, that the prevention of crime should commence, viz. in the improvement of the homes of the poor. The dark, dismal, overcrowded dens, which, in spite of all that

has been done and is doing, are still to be found in our great centres of industry, are the real hot-beds and breeding-grounds of the contagious diseases of the moral world. They are the generators of pauperism and its associates, and the destroyers of all that is pure and elevated in the natures of those born and bred in them; for how can purity of mind or body coexist with the admixture of both sexes and all ages in the same room, by day and by night, at all times, in season and out of season? They obscure the dawning intelligence and dwarf the growing bodies of the very young; destroy all possible development of modesty and refinement in the adolescent; ruin those in the prime of life by driving them to drink, too often in the beginning to relieve the depression caused by the impure air they breathe; and they relegate the survivors to an unhonoured old age of poverty and misery.

When the means of the parents admit of it, the existing laws are sufficient to extract from them the whole or part of the cost of maintenance of their children in public institutions; but to fine and pauperise the lowest stratum of the poorer classes in such circumstances is a questionable means of cure, for it cannot touch the root of the evil. On the whole, I think it would be better for the State to assume the entire responsibility of the care of these children until they are fairly started in life, with or without the concurrence of the parents, and until society itself remedies evils for which it is largely responsible, and which legislation alone can never remove.

How can clean water come out of a dirty vessel? The undue pressure of population upon limited areas, the struggle for mere existence of multitudes born into this world of civilisation and progress, and the exigencies of a community placed in such unnatural circumstances, deprived of pure air, and denied the bright light of heaven, are all important factors in the great questions of pauperism and crime, twin children of unnatural parents.

The age of responsibility of the children is also in a great measure dependent upon their surroundings, almost from the moment they are capable of independent movement and action. Some are sharpened into the street arab, precocious in vice and in undesirable knowledge, in which religion and virtue, the distinction between right and wrong or good and bad, have no place. 'Is there any harm in it?' said my ragged little fairy friend. The majority are scrofulous, stunted in mind and body, the raw material of the idiots, epileptics, and others with less manifest evidence of physical defects, who

fill our asylums with the blind, the halt, and the consumptive, and people our prisons with their chief tenants.

The age of responsibility is usually assumed to be twelve years, I think correctly; but there are numberless cases in which it might be extended with advantage, and the law should arm the magistrate with the power of dealing with each on its merits, on due and satisfactory proof of its necessity being produced.

I have dwelt, perhaps, too long upon this question of juvenile delinquency, yet I have by no means covered the whole ground; but I feel strongly that until it is efficiently dealt with, all other measures for the repression of crime will be imperfect, as by it alone can the evil be uprooted from its soil, and the supply be effectually cut off at its source. In this contention I am supported by the experience of the experts of all nations.

The Prison Act of 1877.—And now for our second head, the Prison Act of 1877, by which the management of all local prisons has been transferred to the State, as were convict prisons previously by other Acts of the Legislature.

There are some matters which are, I think, exclusively and properly the business of the State to control and direct, and chief among them I hold to be the protection of life and property from all who endanger the one, or prey upon the other. This has, I believe, been accomplished by the Act in question without depriving the magistracy of the country of a fair share of the duty and responsibility of looking after the agency and institutions devoted to this great work, and without diminishing the interest which benevolent and philanthropic persons have always taken in raising the fallen, reclaiming the erring, and adding to the general stock of happiness of all.

However earnest and efficient many local authorities undoubtedly were, there was an inherent and unavoidable inequality of punishment for the same offences, an absence of economy and proper control of expenditure, and an uncertainty in the action of the criminal laws, which were as undesirable in themselves, as they were productive of mischief in making punishment too much a matter of speculation to the predatory classes. It has long been an accepted truth, that it is the certainty rather than the severity of punishment which deters from crime, and this element was of necessity absent to a great degree, in a system which admitted of so much diversity as prevailed in the old system.

It would not, however, be fair to hold the prisons responsible for all the evil effects of their local government. Much

was then due, and is still caused by the laws themselves, and by their unequal administration, a topic on which I cannot enter now.

The Act being then, in my humble judgment, a move in the right direction, I shall address myself to what I consider to be its defects, and these I hold to be its treatment of the question of labour as part of a judicial sentence, and those of the rules framed under its sanction, which retain the old doctrine of inflicting as much pain as can be safely inflicted without injury to health—to wit, punitive restrictions of diet, aimless labour, and plank beds.

Why is it that the causing of physical suffering fails as a punishment or cure of the individual, and is inefficacious as an agent of reformation or repression?

It is because pain is a sensation confined to the individual who suffers it; there is a definite limit, rapidly reached, to its intensity and duration; it can exert little corrective influence on those who witness its application without feeling it themselves, and none whatever on those who only hear of it, in the way of deterring them from the commission of criminal acts. Did the infliction of the greatest pain of all, death on the scaffold, when executions were public exhibitions, deter those who witnessed it from acts, to which the barbarous laws of not very long since assigned this dread penalty wholesale?

There is nothing sooner forgotten by the individual himself than pain of any kind—a wise and beneficent law of nature, universal in its application, far beyond the limits of crime and criminals.

Moreover, it appeals exclusively to the lower feelings of our nature, and when it touches the higher faculties excites only anger and resentment. It hardens the hearts of all, intensifies the evil passions of the habitual criminal, and is, in my opinion, worse than useless, inasmuch as it is mischievous.

To produce an impression upon any hardened physical substance, you must first soften it. You may cut it, or if you strike it in this state you may break it, but you cannot make it take the impression you wish to stamp upon it, by such means.

So likewise is it in the moral world, of which the criminals and malefactors are unhappily such important factors.

I had hoped that these vain attempts to set aside the laws of nature in dealing with criminals were rapidly becoming things of the past; but, so long as they continue to disfigure our statute-books, I think we are bound to raise our voices against them.

Prison Labour.—As respects the question of labour, in a

Paper which I read in 1873 at Norwich, before the Section over which I have now the honour to preside, I endeavoured to show the grounds of my conviction that to convert prisons into houses of industry was the most efficient and humane means of dealing with the criminal classes after their conviction, in their own interests and in those of the State. It secures all the legitimate ends of punishment, without the infliction of unnecessary and useless pain; it contains more of the elements of amendment than any other plan which has yet been tried; and it exacts retribution in the only form that can rightly be sanctioned—by compelling the offender to work for his maintenance, and thus to repay a part, at least, of the cost of his misdeeds.

But, although the Act of 1877 has practically adopted this view, there linger in it errors of the past in relation to the theory and practice of punishments, which are deserving of more than mere passing notice.

The Penitentiary Congresses which have met in London and elsewhere since the passing of the Prison Act of 1865 brought together the prison experts of the whole civilised world, and have thrown an amount of light upon the practical working and results of different systems of criminal management, which no written records can show. In them, all views of the question have been fully and fairly represented, and they condemned all measures of harshness and repression as unsuccessful, with a weight of authority unequalled in the solution of any other social question of the like importance.

They have shown, with an unanimity equally rare, experience and experiment to be in accord in determining the most successful criminal discipline to be a discipline of decreased restraints, and increased self-dependence—the success bearing a strict relation to the approach of the arrangements to those prescribed by abstract justice, as developed by Mr. Herbert Spencer in his masterly essay on prison ethics.

They endorsed fully the views on the employment of prisoners enunciated by Bentham nearly a century ago, and condemned absolutely the use of treadwheels, cranks, shot drill, and all varieties of aimless labour, as a misdirection and misapplication of the cardinal conditions of prison punishment.

The wise words of Bentham cannot be too often quoted and impressed, for after an additional century of efforts and failures to find the right road, they are still beacons of light in steering clear of the errors of alike sentiment or severity.

He said: 'The policy of giving a bad name to industry, the parent of wealth and population, and setting it up as a scarecrow to frighten criminals with, is what I must confess I

cannot enter into the spirit of. I can see no use in making it either odious or infamous. I see little danger of a man's liking work of any kind too well; nor, if by mischance it should fail of providing him in suffering enough, do I see the smallest difficulty of adding to the hardness of his lot, and that without any addition to the hardness of his labour. Do we want a bugbear? Poor indeed must be our invention if we can find nothing that will serve but industry. Is coarse diet nothing? Is loss of liberty in every shape nothing? To me it should seem but so much the better if a man could be taught to love labour, instead of being taught to loathe it. Occupation, instead of being the prisoner's scourge, should be called and be made as much as possible a cordial to him. It is in itself sweet, in comparison of forced idleness; and the produce of it will give it a double savour. The mere exertion, the mere naked energy is amusement, when lesser ones are not to be found. Take it in either point of view, industry is a blessing. Why paint it as a curse?'

> 'O mortal man, who livest here by toil,
> Do not complain of this thy hard estate:
> That like an emmet thou must ever moil,
> Is a sad sentence of an ancient date:
> Withouten that would come an heavier bale,
> Loose life, unruly passions, and diseases pale.'

The name of *hard labour* is the phantom which still misleads those who believe in pain and restriction, as the chief deterrents in imprisonment. I showed in one of my Indian reports that aimless, unremunerative, spasmodic work, which is a mere monotonous muscular movement, is not only most unfairly unequal in its incidence, but is, in reality, less exhaustive in its effects than handicrafts requiring constant care, skill, and attention, yet in each separate act of which there is little or no muscular strain.

If logically applied, it should be at the end and not at the beginning of a sentence, in the graduated system which now obtains, for the latest, and not the earliest, impressions will always be the most lasting.

However, if labour in gaols be used simply as an instrument of coercion, to harass and weary, without thought of benefiting or humanising those who have offended against the laws, it is possible that the exercise of mere brute force may answer that end. From long and careful observation of prisoners at work, I am by no means sure that this is the case, and that the purpose, even if it be justifiable, is attained.

On the other hand, the same close observation and lengthened experience have satisfied me that the infliction of pain, misery, humiliation, and the angry feelings engendered thereby, are as much out of place in a prison, as they would be in a lunatic asylum. Rightly regarded, a prison is a hospital for the cure of moral disorders, and the principles which now guide the treatment of those bereft of reason are strictly applicable to those who are deficient in moral principle, and whom it is desired to bring into the paths of rectitude and virtue.

The economic relations of industrial and remunerative labour in prisons should by no means be disregarded, for the opinions of the working classes require and deserve to be treated with respectful consideration, when properly urged and stated without an appeal to passions and prejudices, which render discussion impossible.

In the first place, by teaching a criminal the means of earning an honest livelihood on release we create nothing new; we simply restore him to the position he would have occupied in the labour market had he not become an unproductive consumer by taking to evil courses.

As I understand the resolutions of the National Trades Congresses, they point rather to the unfair competition of prison products with the open markets by underselling other manufactures of the same classes, and by interfering injuriously with special branches of industry, such as mat-making; and that no objection is raised to the State supplying its own wants at cheaper rates than those of the free market, as a measure of relief to the taxpayer, and as fair to all concerned.

Economic science has not yet attained an adequate degree of exactness for its dicta to be accepted with unquestioned confidence, particularly by any class whose immediate interests are affected by an economic law. Until elementary economics are taught in all our schools, and such principles as are accepted by the masters and exponents of the science are more widely disseminated than they are in these days of retaliation, reciprocity, and similar fundamental fallacies, it is unreasonable to expect that any other interest than self-interest will govern the actions of any class of the community, and particularly of the artisan class, who are quite right to watch with the most jealous vigilance all interference with trade by the State.

I think strongly that Governments should interfere as little as possible with private enterprise; that such interference is mischievous, not only in checking the development of the ability engaged in the increase of the productive resources of a country, but that it generally results in the provision of an

inferior article at a higher cost than would be obtained by a fair resort to the open market.

So far I am in accord with the Trades Congresses; but, if their objection be to the employment of convicts in productive works generally as an improper interference with trade, I am unable to agree with them. The State is not a free agent in the matter. A large body of men, women, and children are forced upon it, who *must* be maintained at the expense of the taxpayers. If in idleness or in unremunerative labour, it would be at the cost of the whole community for the questionable benefit of a few, and be attended with the additional disadvantage of letting loose criminals to prey again upon the community, certainly no better, probably much worse, than they were when first convicted. Prison associations in such circumstances, as their past history proves, would not mend the morals or the manners of the black sheep of society.

If it can be shown, as I think it can, that the best means of reclaiming criminals is to inculcate in them habits of order, and to teach them such arts as will enable them to enlist under the broad banner of industry, and to fight the great battle of honest labour, instead of becoming freebooters under the black flag of crime, or ruffians under the red rag of communism, who can doubt that the great hearts of the industrial classes, for they *are* large-hearted in the best sense of the word, will ultimately welcome their return to their ranks with the feelings which greeted the return of the prodigal son, in one of the most beautiful and touching parables of our Christian Faith.

As the infliction of pain cannot undo a criminal act, or diminish the amount of injury caused by it, so all measures which tend to prevent its repetition are a direct gain, both to the offender and to the society against which he has offended. Hence the importance of the question of prison labour, in connection with the administration of the penal laws.

Prison Punishments and Rewards.—The rules for local prisons drawn up under the authority of the Acts of 1865 and 1877, and those for convict prisons previously in use, are framed, in the main, with due regard to an enlightened system of punishment.

There are, however, one or two blots in them which I deem deserving of notice.

On scanning the returns of punishments for prison offences in the whole of the United Kingdom for 1880, I find it difficult to compare them exactly, as they are not uniform in plan, and do not show in sufficient detail the number of repetitions of punishment on the same individual.

In the Scotch and Irish reports there is no record of corporal correction; I presume therefore that it is not resorted to, whilst in England it is comparatively little employed.

The chief punishment in all is the restriction of diet, which, although considerably reduced, was still resorted to in some 39,000 cases in the year in question.

I regard this as a very serious matter, particularly if applied to those sentenced to labour, as most of them probably were. All the punishment dietaries are insufficient for healthy nutrition, and although not immediately injurious are likely to be so in the long run; hence, if employed at all, it should be most sparingly.

I myself deprecate most strongly the employment of punishments likely to injure health, because they are in excess of the requirements of the law, and veil them as you will, fence them with all the securities at your command, they are still torture in disguise.

The loss of class privileges or grade is the next most frequent penalty, and to this there is no such fundamental objection; yet, heterodox as it may be, and opposed to the general view of the great majority of prison administrators, I am not much enamoured of the mark system on which it is based. It places the prisoners too much in the power of the subordinate officers of prisons; and there being no moral barometer to give it precision, or an approach to uniformity of action, it is at best an uncertain and variable quantity. I, therefore, never assented to its introduction into the prisons of Bengal, so long as they were under my charge. After me there came, however, a doctrinaire deluge by which most of my landmarks were swept away—I have no reason to suppose with good effect, or with any but the reverse.

The cardinal objection to all our present systems of prison discipline is that they are based on ignoring that prisoners are animated by the same feelings as the classes from which they emanate; that on entering the prison cells they leave no portion of their common humanity behind them; that they are moved by the same impulses to good and evil, only somewhat intensified in the wrong direction, and that if you expect to lead them to the one, or draw them from the other, you must proportion your rewards for good in some degree to your penalties for bad behaviour, instead of measuring them by Falstaff's standard of bread and sack.

The key to the puzzle is given in a significant passage of the report for 1880 of the Convict Prisons of England, in which it is said that 'there is no difficulty in the management

of prisons greater than that of getting them [the convicts] to perform the hardest work they are capable of. Like people who are free, they of course prefer the easiest class of employment they can obtain. But this tendency in a free person is corrected by the necessity of performing any work which offers in order to obtain a subsistence, as well as by the desire of higher wages.

'A convict has no such stimulus; his subsistence is certain, and he has no more wages for doing very hard work than for light, and no stimulus of any other kind, unless the system he is managed under provides one.'

Having made so correct a diagnosis of the disease, I am surprised that so able, excellent, and efficient an administrator as Sir Edmund Du Cane does not see his way to the remedy. It is to find 'a stimulus of another kind' consistent with prison life, and the maintenance of discipline.

This consists in allowing a prisoner to earn and enjoy harmless indulgences during, and at each stage of his imprisonment, instead of compelling him to wait for a time he cannot realise, which may never arrive, from loss of marks and grade, and which at each additional unfavourable report renders him more reckless and careless, ultimately converting him into an habitual breaker of prison rules.

Remember also the close relation between mental defects and criminal acts, how narrow is the line which separates them, and how hopelessly useless it is to expect to remedy such defects by rigid rules of conduct in an adverse direction.

Adopt a rational system of intermediate imprisonment; employ him, when, after a careful course of probation, he proves himself deserving of trust, in little offices of responsibility in the prison; and treat him much more than you do now, as if he were in a state of freedom, never losing sight of the fact that the necessarily unnatural life of a prison can only be successfully counteracted by as near an approach to natural conditions, as the place and circumstances admit of.

This could not be done prior to the passing of the Prison Act of 1877, as the revelations of prison life, apocryphal as many of them may be, abundantly prove. But all this, and much more, is possible now that the prison establishments in all grades may, and ought to, become an organised service; when every prison officer, from the highest to the lowest, may, and should, be carefully trained to his work, and advanced in proportion to his special aptitude, natural and acquired; and when the military system of maintaining the discipline of prisons may be placed on a more sound and scientific basis, by

a change of measures, not necessarily of men. The discipline of a convict and that of a soldier are wide as the poles asunder. The one you endeavour to convert into an automatic man-slaying machine, with as little individuality and freedom of action in the hour of battle as possible; although, as war is gradually becoming more of a science than an art, this even is undergoing change. The prisoner, on the other hand, you wish to individualise to the utmost extent to enable him to fight the battle of life successfully, as a respectable member of the community, and not as one of a band of criminal law-breakers, united only for evil.

I have gone as carefully through all the prison reports since the passing of the Act of 1877 as my limited leisure permitted. The period of transition, with its disturbing influences, is manifestly not yet at an end, hence it would be premature to attempt to draw any exact deductions from them. Yet it is impossible not to perceive that union has proved to be, as it usually is, strength; that it is indisputably a measure of wise economy; that the gradual conversion of all our prisons into houses of industry is making sure and steady progress; that the systematic and universal change into cellular prisons will, ere long, solve most of the difficulties of classification, of which the only solid and sure foundation is individual separation. By it alone can the young offender be secured from contamination, and the habitual criminal deprived of the power of sowing the seeds of vice and corruption in soil only too ready for their reception.

The reports also indicate the great attention now paid to tracing the connection between unsound mind and criminality; to investigating the relations of pauperism and crime; and to the study of many collateral problems still awaiting solution, in the wide field embraced in the repression of crime.

Conclusion.—And now, in conclusion, for my confession of faith on the whole question of crime in its relation to prisons.

My view of imprisonment is that, having good and secure cellular prisons, with a properly trained and skilled agency to control and manage them, the real punishment of an offender lies in his entire separation from all evil associations, and his complete severance from the enjoyments which sweeten liberty, and render existence desirable. Plain, wholesome food, in sufficient amount to maintain health and strength, and to allow of the wear and tear of work, without the slightest admixture of what are deemed luxuries by the poorest members of the free community. A prison dress, which is in itself distasteful, and rightly so, for it is intended to be a badge of disgrace.

The most scrupulous exaction of cleanliness, order, and regularity in all matters, than which nothing is more opposed to the normal habits of the criminal classes. Deprival of all intercourse with friends, relatives, and the other inmates of the prison, until a small restitution of these, and the purchase of other indulgences, has been earned by continuous good conduct, cheerful obedience to prison rules, and satisfactory work. These results not to be determined by any such means as marks, which are so much dependent on the care and integrity of subordinate officers, but in the absence of the name of the offender from the bad-conduct and punishment registers, and in the balance-sheet of the value of the work performed by him. Rigid seclusion, and blotting out for the time of the outer world, is the basis of this system; but no solitude, darkness, plank beds, or other devices of similar character, which are simply torture in disguise, and not warranted either by the Christianity we profess, or the civilisation we lay claim to.

The punishments for breaches of gaol discipline should be humane, and proportioned as exactly to the offences as can be accomplished, and in no case such as are likely to injure health.

All this, if faithfully, honestly, and humanely exacted, is a terrible penalty to pay, and surely needs no addition to render a prison a terror to evil doers.

And now, having caged our criminal and deprived him of liberty—reduced him to bondage in the strictest sense—what are we to do with him?

Are we to keep him in idleness, to employ him in thriftless tasks which weary the body, deaden the mind, and harden the heart, or are we to bring to bear upon him those influences, in the softening and civilising effects of which all manner of men are in accord, however little they may agree as to the exact manner of their accomplishment?

These influences are education and industrial training. The former in the widest sense of the word, including the most efficient of all, religious instruction; and the latter in such handicrafts as, while they occupy his attention in productive industry for the better part of each day, give him really hard labour, and enable him to earn an honest livelihood on release.

I contend that we are bound, whatever it may cost, to restore him to society a wiser and a better man, if possible; and if, in accomplishing this, we compel him to repay his cost —the only retribution I would exact from him, as rigorously as Shylock would have extorted his bond from Antonio—we

should promote the punishment of the offender, and the protection of society, better than has been attained by any other system yet tried. So long as human nature is what it is, and civilisation creates artificial wants, generating new moral and social disorders, in spite of education and religion, so long will crimes be committed, and so long must provision be made for their prevention and cure.

The real commencement of the repression of crime is, however, in the improvement of the dwellings and surroundings of the poor, the provision of healthy recreation for them, the diminution of drink, and, above all, the education and training of their children, as far removed from evil influences and bad example as may be found expedient and practicable.

The prisons should cease entirely to be a burden to the taxpayer, and all sentences should, as a rule, be fulfilled to the letter. I would have no remission of sentences for mere good conduct in gaol, no tickets of leave, and consequently no subsequent police supervision. Once a man has fulfilled his sentence, he should be in the full and free enjoyment of personal liberty, and assisted as much as possible by every agency, including that of the police, to regain his place in society. He can never have a perfectly fair chance so long as he remains a marked man, and cannot regulate his coming and going as other men do.

The police can easily keep him under the closest observation, without harass or vexation; and if he persists in evil courses, and is found to pursue crime as a profession—becomes, in other words, an habitual criminal—he should be removed entirely from the scene, and never be permitted to reappear upon it.

The world is, and will for ages to come, be large enough for the banishment of habitual criminals without forcing them on unwilling colonies, or tainting civilised communities with their presence.

The last reports of the Directors of Convict Prisons show that this matter of the disposal of the convict population, in which the habitual criminal element is most abundant, is one of pressing urgency, on account of the approaching completion of the public works on which they have been, so long, so usefully, and with such excellent effect, engaged.

If there be any legislative difficulty in banishing them, there would be no such difficulty, I imagine, in employing them in the reclamation of waste lands, by forming on these farms and workshops, which, if properly managed, ought ultimately to repay the whole of their cost, and enable the

State to defer the revival of transportation, should public opinion so determine, in any form for another half-century.

In the fifth paragraph of the report on Convict Prisons, presented to Parliament in July last, is the following gratifying and significant paragraph:—

'The steady decrease in the number of sentences of penal servitude is very remarkable, and may fairly be taken to indicate a diminution in serious crime. The average number of sentences for the five years 1860–64 was 3,110; but, leaving out of consideration the years before 1864 (as the comparisons before that year would be affected by the alteration in the law, making five years the shortest sentence of penal servitude, instead of three years), the average number of sentences in England, Wales, and Scotland during the succeeding periods of five years were as follows:—

	Average population of England, Wales, and Scotland	Average number of sentences of penal servitude
1865–1869	24,680,000	2,148
1870–1874	26,240,000	1,810
1875–1879	27,530,000	1,795
1880	29,702,727	1,654 {actual number}

The Directors say, with pardonable satisfaction, a satisfaction we must all fully share with them, that the above figures 'may well make this proof of the efficiency of the various agencies for the repression of crime a matter of much congratulation,' and they hope, with a better founded hope than proverbially tells a flattering tale, that they may fairly claim that 'their prison system has been framed and administered in such a manner as to have done its full share in effecting this result.'

At this rate of decrease, with education extending and juvenile delinquency diminishing, it will not be rash to predicate, allowing for the progressive increase of population, that the problem of dealing with crime generally, and with habitual criminals in particular, will be much more easy of solution fifty years hence, than it is now.

RESULTS OF IRISH SUNDAY CLOSING ACT.

What Results have been brought about by the Irish Sunday Closing Act in connection with Crime in Ireland; and what further Steps can the Legislature take for the Decrease of Intemperance? By HENRY WIGHAM.

THE Irish Sunday Closing Act came into operation on October 13, 1878. It was passed for four years only, and consequently expires at the end of next year. It stops the sale of all intoxicating drinks on Sunday, excepting in the cities of Dublin, Cork, Limerick, Waterford, and the town of Belfast. In these places the hours of sale are from 2 o'clock to 7 P.M., being two hours less than formerly. The *bonâ fide* traveller clause, which was already in operation for those portions of Sunday when the sale was prohibited, was continued in the new Act. There is also provision for the exemption of railway stations, canteens, and packet boats.

Having now had three years' experience of the working of the Act, we are able to judge of its results, and to say whether it is desirable that it should be renewed, made permanent, and extended to the five places at present exempted from its full operation. I could give very strong evidence as to the general working of the Act, but as I propose to consider the subject more especially in reference to crime, I will only quote the testimony of one well qualified to give an opinion on the matter. The Right Hon. W. E. Forster, M.P., Chief Secretary for Ireland, in reply to a deputation which waited upon him in October 1880, said: 'There can scarcely be any doubt that the Sunday Closing Act will be renewed by the Government that is in power. As far as I can learn, it has more than justified the expectations of its supporters. In two ways the positive effects have been shown to be almost better—really better, I think, than most of us hoped they would be, although there were expectations of good; and also it is quite clear that those who prophesied that it would be a step considerably in advance of public feeling in Ireland have been disappointed. As far as I can make out, public opinion has entirely gone with the operation of the Act. The time for renewal will

come on in two years from now. That will apply not to the next session, but to the session after, and I don't doubt but that you will keep your attention to the subject; so that if there be a strong public opinion, as you say there is, and I dare say there is, in favour of its extension to the five exempted towns, Parliament will be informed.'

To those who have attentively observed the extent and description of crime which has come before courts of justice in Ireland during the last three years, it must have been manifest that whilst in many places there has been a considerable amount of crime, yet it has been in great measure confined to what are termed agrarian offences, and that the ordinary crime of the country, more especially that which has its origin in drunkenness, has materially diminished. In the charges made by judges on circuit this state of things has been frequently commented upon, and by some the Sunday Closing Act has been largely credited with these beneficial results. I give one or two extracts from these, made soon after the Act passed, but this testimony has been confirmed by subsequent experience.

The Lord Chief Justice of Ireland, in his address to the grand jury of Kilkenny, said: 'From the police returns it appeared that the number of cases of intoxication had considerably decreased, and it was encouraging to find that the Act for the closing of public-houses on Sunday had largely realised the expectations of its promoters.'

Judge Lawson, at the Clare Assizes, said: 'The county inspector reports that drunkenness has decreased. It may be attributed to the operation of the Sunday Closing Act. I observed that when a bill was lately introduced into Parliament with the object of preventing whisky from being taken out of bond before one year, a witty member, who bears the same name as myself, proposed to extend the time to one hundred years. Perhaps some other gentleman, with similar good intentions, would propose to extend the Sunday Closing Act to every day in the week, and if that succeeds we shall have a millennium of sobriety.'

Baron Dowse at the Kilkenny Assizes said: 'The county inspector's report contained nothing to detract from the character of the county. There was a considerable decrease in intoxication, as compared with the return at the March Assizes —110 cases less—and this the inspector attributed to the Sunday Closing Act.'

At Waterford, Mr. Geo. Waters, Q.C., County Court Judge, declared that he had been at Lismore and Dungarvan, and

in the whole county had not had a single case arising out of drink. He never could say this before, and whoever said such a result was not due to the Sunday Closing Act would require to account for a very singular coincidence.

At Newry, Mr. Thomas Lefroy, Chairman of the County Armagh, had the great luxury of announcing to a large crowd of jurors that there was nothing for them to do, a fact which his Worship believed was due to the Sunday Closing Act!

Subsequently to sending in this paper I have been favoured with a letter from Mr. Lefroy, under date September 12,1881, in which he says: 'I believe that no more unfortunate step could be taken by Parliament, or one more likely to arrest the progress of any improvement in this unhappy country, than to suffer the Sunday Closing Act to expire. . . . . I have no hesitation in stating that from my intercourse with the magistrates and police authorities in the county in which I act as chairman, and in other counties with which I am connected, I believe there is an almost unanimous feeling among those who take an interest in the social and moral condition of our people that the legislature will not only be justified in renewing the Sunday Closing Act and extending it to the five exempted towns, but that they would incur a perilous responsibility in suffering the Act to expire.'

A letter received from the Most Rev. Dr. Moran, Roman Catholic Bishop of Ossory, says, 'The Sunday Closing Act has been most beneficial in every district of this diocese of Ossory. The greater part of the County Kilkenny and parts of the Queen's County and King's County are comprised in this diocese. I have visited every parish in the diocese during the past two years, and from my own experience as well as from the attestation of the parochial clergy, I can with all sincerity assert that the Act has been fruitful of the happiest results. I am glad also to say that a spirit of temperance is spreading rapidly among our people.'

I am now able to add still more recent testimony as to the success of the Sunday Closing Act, the testimony of the highest legal authority in Ireland, and one which cannot but be regarded as of paramount importance by the Social Science Association. I allude to the remarks of the Right Hon. Lord O'Hagan, Lord Chancellor of Ireland, and President of the Social Science Congress, in his inaugural address delivered last night, which bear so unreserved a testimony to the value of the Sunday Closing Act that I cannot see how with such evidence from such a source, there can be any question

as to the policy of renewing the Act, and extending it to those places hitherto exempted from its operation. Lord O'Hagan said: 'I can only make the briefest allusion to a measure most worthy of attention in the department to which I am referring—the Irish Sunday Closing Act. It was hotly contested and violently denounced; but it has succeeded beyond expectation; and its moral influence in removing, even partially, the withering curse of national intemperance, has made it a practical reform of a high order. I cannot dwell on the mode of its operation; but the results are indicated in the most conclusive way by the unanswerable evidence of our criminal statistics. In 1878, when it was in action for a few months, the number of punishable cases of drunkenness was reduced by 3,000 as compared with the year 1877. In 1879, when it was in full force, the reduction was 11,000, and last year it was 22,000, the number of offences, which in 1877 was 110,000, having fallen to 88,048. It is not wonderful, that success so signal, proved by these figures and in many other ways, should already have induced wise and good men to imitate the example of Ireland in other districts of the Empire, with the sanction and by the authority of the legislature. And does it not give us a fair ground for hope, that the undoubted and most salutary improvement in the drinking customs of the wealthier classes may be gradually extended to the multitudes beneath them; and that we may be emancipated, more and more, from the cruel dominion of a vice which is to us the perennial source of crime and misery, and degrades these kingdoms in the estimation of the world?'

R. Ferguson, Esq., Q.C., County Court Judge of the West Riding of Cork, in his charge to the grand jury at Skibbereen said: 'It was a gratifying fact that there was *not a single case arising from intemperance, which, he learned, had greatly diminished.* His brother magistrates also told him that Sunday closing had produced wonderful results, and that the people acquiesced in, and willingly submitted to, this desirable measure.'

Under date of August 29, 1881, Mr. Ferguson corroborating this opinion, says: 'In reference to the effect of the Sunday Closing Act I still entertain the opinions I expressed in 1879, confirmed and strengthened by my subsequent experience: it contributed materially to the diminution of intemperance in the rural districts, and of the crimes usually consequent thereon; it was well received by the people of those districts, and the attempts to evade it were not numerous. The peasantry of Ireland indulged in strong drink more

from a feeling of good-fellowship than from any disposition to intemperance, and legislation which tends to remove the temptation will always be well received.'

The evidence of the Mayor of Sligo may be selected from many other similar testimonials as to no increase of illicit sales having resulted from the Act. He says: 'Cases of shebeening, or illicit sales, have in no way increased since the passing of the Act—on the contrary, fewer cases of such have been brought forward in our police court than previous to its passing. It is clearly my opinion that private drinking has not increased since the passing of the Act.'

Besides this evidence and the testimony of magistrates, clergymen, and the newspaper press as to the success of the Act, we have also indisputable evidence obtained from parliamentary and official sources, directly bearing upon this subject; a summary of these I propose to give you.

The first returns to which I shall advert relate to the the committals for drunkenness on Sundays. The O'Conor Don, who, with the late Professor Smyth, had charge of the Sunday Closing Bill, and through whose instrumentality it was successfully carried through Parliament, obtained a return giving the committals for drunkenness for the first six months after the Act come into operation, compared with the corresponding six months of the previous year, before the Sunday Closing Act was passed.

The figures are as follows:

In those places where total Sunday closing now exists, from October 13, 1877, to April 13, 1878, the period before the Act was passed, the arrests for drunkenness on Sundays were 2,361; from October 13, 1878, to April 13, 1879, they were 707, showing a reduction in the first six months of Sunday closing of 1,657, or 70 per cent.

In the five exempted towns, where the time of sale has been reduced two hours, the figures are—from October 31, 1877, to April 13, 1878, before Sunday closing, 1,684 arrests; from October 13, 1878, to April 13, 1879, after Sunday closing, 1,029 being a reduction of 655, or nearly 39 per cent. in favour of Sunday closing.

These returns demonstrate the speedy and striking success of the first six months of Sunday closing.

The next return was obtained by the late Mr. W. A Redmond, M.P. for Wexford, and carries on the comparison for the twelve months from April 20, 1879, to April 25, 1880, as compared with the corresponding twelve months in 1877-78.

The result is that in the districts where entire Sunday closing now exists—

From April 20, 1877, to April 25, 1878, before Sunday closing the arrests were	4,555
From April 20, 1879, to April 25, 1880, after Sunday closing	1,840
Or a reduction in the first entire year of Sunday closing of	2,715

or 60 per cent. in favour of Sunday closing.

In the five exempted towns for the same period the arrests were—

1877–78	2,820
1879–80	2,132
Decrease	688

or 25 per cent. in favour of Sunday closing.

From a return obtained by Mr. J. P. Corry, M.P. for Belfast, continuing the Sunday closing figures to April 21, 1881, we find that in the year before Sunday closing—

From April 20, 1877, to April 20, 1878, the arrests were	4,555
From April 24, 1880, to April 20, 1881, the arrests were	1,922
Decrease	2,633

or nearly 60 per cent. in favour of Sunday closing.

In the five exempted town for the same period the arrests were—

1877–78	2,820
1880–81	1,765
Decrease	1,055

or nearly 40 per cent. in favour of Sunday closing.

For convenience of reference I give the aggregate returns from the passing of the Act to April 20 last:

Arrests for drunkenness from 8 A.M. *on Sundays until* 8 A.M. *on Mondays for the whole of Ireland except Dublin, Belfast, Cork, Waterford, and Limerick.*

October 13, 1877, to April 20, 1878 (six months before Sunday closing)	2,364
October 13, 1878, to April 20, 1879 (first six months after Sunday closing)	707
Reduction in first six months of Sunday closing	1,657

Year ending April 25, 1878 (before Sunday closing)	4,555
Year ending April 25, 1880 (after Sunday closing)	1,840
Decrease in 1879–80 over 1877–78, in favour of Sunday closing	2,715

Year ending April 25, 1878 (before Sunday closing) . .	4,555
Year ending April 25, 1881 (after Sunday closing) . . .	1,922
Decrease in 1880–81 over 1877–78, in favour of Sunday closing	2,633

Arrests in the cities of Dublin, Cork, Limerick, and Waterford, and town of Belfast.

October 13, 1877, to April 20, 1878 (before Sunday closing) .	1,684
October 13, 1878, to April 20, 1879 (after Sunday closing) .	1,029
Decrease in first six months of Sunday closing . . .	655
April 25, 1877, to April 25, 1878 (before Sunday closing) .	2,820
April 25, 1879, to April 25, 1880 (after Sunday closing) . .	2,132
Decrease in 1879–80 over 1877–78 in favour of Sunday closing	688
April 25, 1877, to April 25, 1878 (before Sunday closing) .	2,820
April 25, 1880, to April 25, 1881 (after Sunday closing) .	1,765
Decrease in 1880–81 over 1877–78 in favour of Sunday closing	1,055

These show on the aggregate that since the Sunday Closing Act came into operation in October 1878 to April 25 last there have been 7,005 fewer arrests for drunkenness where entire Sunday closing exists than there were in the corresponding periods before the Sunday Closing Act was passed.

In the five exempted towns in the same period there has been a reduction of 2,398, or in the whole of Ireland a reduction of arrests from drunkenness on Sundays of 9,403.

This brings the arrests for drunkenness on Sundays from the passing of the Act down to April 25 last, and, making every allowance for any special or exceptional circumstances which might affect the return, I think the result cannot but be considered as very satisfactory to Sunday closing.

I now proceed to consider how far the Sunday Closing Act has affected drunkenness during other days of the week as well as Sundays. I give Dr. Hancock's return for Ireland.

Arrests for punishable drunkenness disposed of summarily.

In 1877 (the year before Sunday closing) the arrests were .	110,903
In 1878 (three months of Sunday closing)	107,723
Showing a reduction of	3,180

Dr. Hancock says in reference to this reduction:—'In punishable drunkenness there was a decrease of 3,180 from 110,903 in 1877 to 107,723. As the Sunday Closing Act came into operation only on October 1 (it really was the 13th),

a much larger diminution may be expected in the current year.'

This calculation was fully carried out, for we find that comparing 1879 with 1878, the arrests were—

In 1878	107,723
In 1879	99,021
Or a reduction of . . .	8,702

Dr. Hancock further remarks: 'The figures (offences disposed of summarily) show a decrease for the first time in six years, and of a very large amount, 12,889. Of this decrease no less than 8,702 was in punishable drunkenness. This may fairly be ascribed to the passing of the Sunday Closing Act, which was in operation during the whole year. In 1878, when it was in operation for a quarter of a year only, there was a reduction in the convictions of 3,180. The rest of the decrease arose in offences intimately connected with drunkenness, such as 3,204 in assaults, and 356 in cruelty to animals.'

But comparing the arrests for punishable drunkenness between 1877, the last clear year of Sunday opening, and 1879, the first clear year of Sunday closing, the figures are even more remarkable—

For 1877 they are	110,903
For 1879 „	99,021
Decrease of . . .	11,882

The returns for 1880 are as follows as compared with 1879:—

In 1879 the arrests were . . .	99,021
In 1880 „ „	88,048
Or a decrease of . . .	10,973

which shows that the reduction still continues.

But comparing the year 1877, the last clear year of Sunday opening, the results are still more striking—

In 1877 the arrests were . . .	110,903
In 1880 „ „	88,048
Showing a decrease of arrests in 1880 over 1877 of	22,855

Dr. Hancock's return, recently published, shows that offences determined summarily, not including drunkenness, numbered—

In 1878	160,836
In 1879	156,649
Showing a decrease of . .	4,187

In 1879	156,649
In 1880	151,778
Showing a decrease of . .	4,871

On this return, under marginal reference, 'Results of Irish Sunday Closing Legislation,' Dr. Hancock says: 'With a view to check the temptation to punishable drunkenness, Parliament, in the session of 1878, extended to the greater part of Ireland the Scotch law as to Sunday closing. 'The number of offences of punishable drunkenness was reduced from 110,000 in 1877 to 107,000 in 1878, or by 3,000; in 1878, when the Act was a whole year in operation, the reduction below 1877 was 11,000, and in 1880 the number fell to 88,048, or a reduction of nearly 22,000, which, though partly ascribable to distress, must be largely ascribed to the effect of Sunday-closing legislation.'

These figures, I think, conclusively bear out the arguments of the promoters of the Act, that Sunday closing would not only be found beneficially to affect the Sunday, but that its good results would be general.

I now propose to bring forward evidence as to the results of the Sunday Closing Act from a different point of view. I allude to the consumption of intoxicating drinks. It is, I think, an admitted fact that by far the greatest amount of crime is caused by intemperance, and if it can be shown that there is a large reduction in the consumption of intoxicating drinks. I think it may fairly be assumed that there has been a decrease of drunkenness. We find from the Board of Trade returns that this has been strikingly the case.

Taking the consumption in 1877, the year before Sunday closing, and comparing it with 1878, 1879 and 1880, we find that in 1877 the consumption of—

Beer was in money value	£4,005,466		
Spirits " "	8,164,449	together	£12,169,915

In 1878, when there were three months Sunday closing, the consumption was—

Beer	£4,850,424		
Spirits	6,101,905	together	£10,952,329
Showing a decrease in 1878 of ...			1,217,586

In 1879 with entire Sunday closing the consumption was—

Beer	£4,040,695		
Spirits	5,335,000	total	£9,375,695
Decrease 1879 over 1878			1,576,634

Comparing 1879, the first entire year of Sunday closing, with 1877, the figures are—

In 1877 total consumption	...	£12,169,915
In 1879 „ „	...	9,375,595
Showing a decrease in 1879 of		2,794,220

over 1877 before the Act was in force.

In 1880 the consumption was—

Beer	...	...	...	£3,992,373
Spirit	...	...	...	5,182,430
	Total	...	...	£9,174,803

Comparing this consumption with that of 1877, the figures are—

1877 total consumption ...		...	£12,169,915
1880 „ „	...	...	9,174,803
Showing a decrease in 1880 over 1877 of			£2,995,112

It has been said that this decrease of consumption is not entirely due to the Sunday Closing Act, but may be attributed to the distressed state of the country, and the depression of trade. This suggestion is a natural one, but in practice we find that the consumption of strong drink is not in accord with the established theories of political economy; not only does it not always decrease in times of depression and distress, but it actually increases. This was strikingly the case in the famine years of 1846–47, the consumption of spirits increased from 6,450,157 gallons in 1845 to 7,952,076 gallons in 1847. We find also, if arrests for drunkenness may be taken as a test, that in the year 1878–79 the decrease of arrests was less in those parts of the country where the greatest distress existed; in the province of Leinster there were 4,931 fewer arrests, in Munster 1,461, in Ulster 1,257; whilst in Connaught, where the distress was greatest, the decrease was only 53; and that in the counties of Galway and Sligo there was the large increase of 607 arrests. We find also that while the consumption of beer and spirits decreased there was an increased consumption of tea and coffee, which may show that some of the money that would have been spent in intoxicants was spent more usefully. Strong evidence is given by the traders in intoxicating drinks of the decreased sale they have experienced since the Sunday Closing Act came into operation, which they attribute to it. One striking instance I may give, as exemplifying this. The Dublin papers of February 12, 1881, contain the following report of proceedings in the Bank-

ruptcy Court: 'To-day, in the Court of Bankruptcy, a man named Shanahan, who carried on business as a farmer and publican at Newtown, co. Kerry, appeared on first public sitting. An assignee having been appointed, the bankrupt stated, in reply to Mr. Molloy, with respect to what had become of his grocery stock, that the Sunday Closing Act had ruined his trade. He was in the habit of selling 400 bottles of porter on a Sunday, and now he did not sell 200 in three weeks. He had sold whisky to the extent of fifty or fifty-five gallons in six or eight weeks, but now, since the Act passed, he did not sell one cask from Christmas to Christmas.'

Whilst we regret that any honest trader should suffer from the operation of this Act, we can only hope that he may follow a vocation where his private interests may not be brought into antagonism with the public welfare.

With regard to the latter part of my subject, 'What further steps can the legislature take for the decrease of intemperance?' as the general question is to be brought before you in a special paper, I shall simply confine myself to suggested amendments in the Sunday Closing Act when it comes to be renewed, as I expect it will be next year.

A striking fact brought out by the returns from which I have quoted is that the proportion of arrests is greater in the vicinity of the exempted towns, showing that the temptations which exist from the sale during Sundays in these towns have caused increased drunkenness amongst the adjacent population. This is strikingly manifested in the district round Dublin, where in some places considerable numbers of the outlying population come in to get drink at the open houses and return intoxicated into their own localities. The '*bonâ fide* traveller' clause in the Act also works very injuriously, especially near large towns, from many people going for a short distance into the country for the express purpose of obtaining drink, and describing themselves as *bonâ fide* travellers to enable them to do so. Besides this being a breach of the law, it tends to promote drinking, and gives rise to disorder and arrests. When the Act is made permanent this evil could be remedied by granting only six-day licences to all licensed houses, with the exception of hotels, where there should be bedrooms for the accommodation of travellers. The licensing of refreshment-rooms at railway stations has also been found to be very objectionable, as railway passengers can take tickets for short distances on the line and then obtain drink at the refreshment-rooms as railway travellers. Permitting drink to be sold at canteens is also a

fruitful source of abuse. These exemptions from the Act should not be allowed to continue when the Act is renewed. These alterations would remove grave defects from the present Act, but the greatest defect of all is the exemption of the large towns. We find by the statistics to which I have referred that whilst in the country districts the arrests for drunkenness have very greatly diminished the decrease in the five large towns, where there is still five hours' sale allowed, is in a much smaller proportion. May it not then be justly inferred that if these large centres of population were protected from the temptations to drinking by having no sale of intoxicating drinks on Sunday, they would participate in an equal or even greater degree in the benefits which have been derived in those places where entire Sunday closing exists? The exemption of these towns was made in deference to the wishes of a former Chief Secretary for Ireland, but in opposition to the desire of the inhabitants of these towns, unmistakably shown in the result of a house to house canvass. It was opposed to the votes of the majority of Irish members, the vote of the House of Commons, and the decision of a Select Committee of the House of Commons appointed to enquire into the subject.

To sum up then, my suggestions are these: that all the country shall be brought under the action of the law, without exception; that the *bonâ fide* traveller clause be left out; and that no exception be made for railway refreshment-rooms and canteens.

I have thus briefly endeavoured to show the results of the Irish Sunday Closing Act as it affects crime. I have pointed out from Parliamentary and official returns that where entire Sunday closing exists there has been a large decrease in committals for drunkenness both on Sundays and on other days of the week, and that the reduction of two hours' sale in the exempted towns has led to a decrease in committals, although to a much less extent than in the other parts of the country. I have shown that the consumption of spirits and beer has very greatly diminished, and that there has been no appreciable increase in illicit sale. I have also pointed out what I consider the principal defects of the Act, and suggested remedies.

In conclusion, whilst deeply sensible of the great amount of intemperance still existing in Ireland, of which the fact that last year (by Dr. Hancock's returns) there were still 88,048 committals, a state of things which must continue to receive the earnest consideration of the Government and legislature, yet

I think I am borne out, by the strong testimony which I have adduced, in saying that the Irish Sunday Closing Act has been a great success, that it has resulted in a large diminution of crime, that its general results have been of great benefit to the country, and that there is therefore abundant cause for asking the legislature that when it expires it may be renewed, made permanent, perfect, and complete, that there may be no more exempted cities and towns, but that the whole country, as is the case in Scotland and Wales, may experience the blessing of a Sunday free from the temptations to intemperance.

On the Same.

By THOMAS W. RUSSELL, Secretary of the Irish Association for the Prevention of Intemperance.

THE Sunday Closing Act having beyond all question been successful

(*a*) In materially lessening the consumption of intoxicating liquors;

(*b*) In diminishing the arrests for drunkenness, and for crime consequent upon drunkenness,

the question naturally arises—What further steps can the Legislature take to still further discourage intemperance?

The necessity for further action is only too apparent. The Irish Drink Bill, even with the substantial inroad made upon it by Sunday Closing, is still frightfully out of proportion with the means of the people—no less a sum than £18,550,498 having been spent on spirits and beer in the years 1879 and 1880. The same thing may be said of the arrests for drunkenness—these having been 187,069 in the same years.

There are several restrictive proposals prominently before the country which I take leave to say cannot much longer be successfully resisted. In this class the amendment of the Sunday Closing Act occupies the most prominent place. During the passage of that measure through the House of Commons certain exemptions were reluctantly sanctioned by its promoters, which have proved the only drawbacks to the efficiency of the Act. The first of these was the exemption of Dublin, Belfast, Cork, Limerick, and Waterford from the full operation of the measure. This concession was made not to Parliament, but to a hostile Government. It was made against the formal decision of a Select Committee, and in the teeth of overwhelming evidence.

But the passage of the measure depended upon the concession being made, and those five cities were therefore left out of the Bill. There is no real argument in favour of their remaining out. It may, indeed, be said that the parliamentary representatives of these places are opposed to Sunday Closing. But whilst this is only partially true, it is not difficult to account for their hostility. With a restricted franchise such as obtains in Ireland, the publicans are a great political power in all boroughs; and, rising above, or sinking below politics, they dictate their own terms to certain candidates. About *public* opinion on the question there never has been serious cavil.

Again, a further exemption was made in favour of that well-known personage the *bonâ fide* traveller. This was not a new feature in licensing statutes, but it has been grossly abused. That a real traveller ought to be able to get refreshment whilst on his journey is undoubtedly true, but real travellers are the exception and sham travellers the rule. No harm can come from confining the Irish publicans to six day licences—*bonâ fide* hotels alone being entitled to refresh travellers.

Then there is the question of

Saturday Early Closing.

Upon this, public opinion apart from the publican is tolerably pronounced. Indeed, with total closing on Sundays, and early closing on Saturdays, many people feel that the grosser forms of drunkenness would speedily disappear. The evils of Saturday night drinking are more apparent in large cities and towns than in rural districts—hence the proposal recently discussed in Parliament to confine the restriction to all towns having a population of 10,000 and upwards. What the evil really is may be gathered from a summary of a parliamentary return recently issued, by which it appears that out of 30,000 arrests for drunkenness in the year 1879 in the sixteen Irish towns having a population of 10,000, no less than 9,755, or nearly a third of the whole were on Saturdays—the great majority of these being late at night. For all such towns Saturday closing at eight o'clock would be an incalculable boon.

About these proposals very little need be said. They are prominently before the public mind, and will come up in due time for settlement. But there are other points of great importance, concerning which public opinion is not so clear. There is

1. *The Number and Character of our Public-houses.*

No one who has travelled in Ireland, and especially in the south and west, can have failed to notice the number of drink-shops located in the small towns and villages. In some places almost every house is a drink-shop, and they appear to abound most of all where the apparent poverty of the people is deepest. The province of Munster is by far the worst in this respect—the single county of Cork with a population of 515,000 having almost as many drink-shops as the entire province of Connaught, or the united counties of Antrim, Down, and Armagh, with a population of close upon a million souls. In fact, throughout Munster and parts of Leinster there has been free trade in drink, so far, at least, as free trade can be said to be consonant with any system of licensing. But this is not the worst. Out of a total of 16,430 public-houses in Ireland in the year 1880, 8,071 were under £10 valuation. In other words, almost one-half of the public-houses in Ireland are unsuitable for the accommodation of the public, and are neither more nor less than hovels. I give here a table with the figures concerning each province:—

ULSTER.

Public-houses of all kinds . . .	3,915
Number of inhabitants to each public-house .	390
Arrests for drunkenness in 10,000 of the population	189

LEINSTER.

Public-houses of all kinds . . .	3,348
Number of inhabitants to each public-house .	277
Arrests for drunkenness in 10,000 of the population	172

MUNSTER.

Public-houses of all kinds . . .	4,805
Number of inhabitants to each public-house .	247
Arrests for drunkenness in 10,000 of the population	146

CONNAUGHT.

Public-houses of all kinds . . .	2,055
Number of inhabitants to each public-house .	397
Arrests for drunkenness in 10,000 of the population	123

These calculations do not apply to Dublin, Belfast, Cork, Limerick, and Waterford. The figures in these places stand thus:—

DUBLIN METROPOLITAN POLICE DISTRICT.

Public-houses of all kinds . . .	1,290
Number of inhabitants to each public-house .	271
Arrests for drunkenness in 10,000 of the population	346

BELFAST.

Public-houses of all kinds . . .	776
Number of inhabitants to each public-house .	267
Arrests for drunkenness in 10,000 of the population	354

CORK, LIMERICK, AND WATERFORD.

Public-houses of all kinds . . .	1,028
Number of inhabitants to each public-house .	135
Arrests for drunkenness in 10,000 of the inhabitants	437

Now the first thing deducible from these figures is that throughout a great part of Ireland the discretion vested in the justices as licensing magistrates has been neither less nor more than a farce. Where that discretion should have been keenest, *i.e.* where the people are steeped in poverty, there it has been most wanting, and the temptations to drink abound. They have granted licences far in excess of reasonable requirements, and they have licensed premises wholly unsuitable for the accommodation of the public. The second thing clear is that, making due allowance for the difference between urban and rural populations, the old dogma is affirmed—that, as are the facilities for obtaining drink, so is the drunkenness of the place. This is especially clear in the towns, and it is also substantially true of the rural districts. In connection with this I have three suggestions to make.

(*a*) I would reduce the number of public-houses all round, setting up a standard that the number should not exceed one for every 1,000 of the population.

(*b*) I would apply the principle of the Irish Beer-House Regulation Act—40 Vict. chap. 4—to public-houses, and require all such premises to be rated at £15 in rural districts, £20 in towns with a population under 10,000, and £25 in cities and towns above 10,000. The enforcement of this just as it was enforced in the case of the beer-houses under Mr. Meldon's Act would materially reduce the number of licensed houses and get rid of the worst class.

(*c*) I should insist upon a public-house being a public-house. Out of 16,430 such houses in Ireland, only 4,721 are used exclusively for the sale of drink; the remainder, or three-fourths of the whole, being shops where drapery, grocery, and

ironmongery goods are sold, and even in many cases public-houses are used as post-offices. It is needless to point out the evils arising from this system of dual trading. It complicates all restrictive legislation. It obstructs the police in enforcing the law, and it is demoralising to the people. Of course I know it is not easy to upset a system that has grown up, but that which can easily be done ought to be done, viz. to insist that the liquor department in all such cases shall be distinct from the others, and capable of being closed even whilst the other departments are open. There is

2. *The Question of Spirit-grocer and Beer-house Licences.*

The total number of such licences in 1880 throughout Ireland was 787, 441 of which were in Dublin and Belfast. Over such houses the justices have little or no control. They have no power to refuse such a licence if the premises are suitable, and the applicant is a man of good character. The result is that many of those who are refused publican's licences secure these, and in most cases carry on the trade of a publican without the publican's licence. This is a great evil, and it would appear to me that there are absolutely no reasons why all such houses should not be placed on the same level, open to the same legal objections, and subject to the same control. There is

3. *The Enforcement of the Law.*

Probably I shall be deemed hard to please when I say that I am not satisfied either with the magistrates or the police in this respect. There are parts of Ireland where the publicans are allowed to do pretty much as they please; and when the police do interfere they get snubbed by the Bench —a paltry fine constituting the publican more a winner than anything else. And there are other places where the police are shamefully negligent—if not worse.

It is very hard to find a remedy for such a state of matters, but two things may fairly be done.

(*a*) The self-acting clauses of the Act of 1872, *i.e.* those relating to endorsements on the licence, should be restored.

(*b*) Effect should be given to the proposal of Lord Aberdare in the Bill of 1871 with regard to private inspection of public-houses.

I know all that is to be said against these two proposals—that the first is harsh and severe, with a tendency to defeat itself, and that the second is infamous and to a certain extent

un-English. Very well. But to a trader who means to keep, and not to break, the law, they mean absolutely nothing. To the other class what ought the law to be if not a 'terror to evil-doers'? Besides, the latter proposal is but a return to the system always recognised in the Irish Licensing Statutes previous to 1872. Up to the disestablishment of the Irish Church, public-house overseers, independent of the police and with all their powers, were annually appointed by the vestries; and failing such appointment, the justices in petty sessions were empowered to appoint such persons. There was sound sense in all this. Policemen are after all but human beings, and the State, in Ireland at least, is never so strong that it can afford to despise lay and unofficial help.

I should also make offences against the law apply to the house as well as to the person, and thus prevent a badly conducted house being sold whenever it is no longer safe to carry it on, the buyer coming in with a clean sheet and the seller going elsewhere to carry on the same system. In short, I should let publicans understand that where rights are maintained duties must be discharged. Finally, there is the question of

4. *The Licensing Authority.*

This cannot rest where it is. Man does not live by bread alone, and Parliament cannot long survive if its work is simply to amount to the passing of abstract resolutions on this or any other question. But it is absolutely safe to say that before long Parliament will be coerced to face and settle this point. In an age like the present, when local self-government is being everywhere extended, and when the democratic principle is being, for better or worse, pressed forward, it is safe to affirm that the power of dispensing licences cannot long remain in the hands of a body irresponsible to public opinion. I say nothing either for or against the justices. But in this, as in other things, the old order will have to give place to the new. What is to take the place of the licensing bench is not to my mind a very serious question. Once establish the principle contended for, that public-houses should not exceed a certain number in any district, and I care not who grants the licences, provided the dispensers of such a privilege are responsible to the public opinion of the locality. And whoever possesses the power, I should give the community affected a *veto* either to lessen the statutable number or to enact prohibition within its borders. In fact, I should leave the whole question as between the statutable number, further

restriction, or total prohibition to the people, and where the latter was decreed I should take care that the vote represented the feelings and convictions of such a number as would ensure the enforcement of the law.

I put these proposals forward not in the light of a panacea, but as a help to the solution of one of the greatest of all social problems. Into whatever path the social reformer strikes, this drink demon starts up and blocks the way. In Ireland especially, where poverty abounds, and where the temperament of the people is so excitable, the results of drink are disastrous, and, satisfied as I am that 'if a statesman who heartily wished to do the utmost possible good to his country were thoughtfully to inquire which of the topics of the day deserved the most intense force of his attention, the true reply, the reply which would be exacted by full deliberation, would be that he should study the means by which this worst of plagues can be stayed,' I submit these suggestions to the consideration of this Congress, and through it to the public at large.

DISCUSSION.

Mr. Michael Dwyer (Dublin) said, though he appeared on the side of the question which was opposed to the general feeling of the section, he was sure that would not prevent his views having every consideration. He would venture to lay down, in opposition to the thesis of Mr. Wigham and Mr. Russell, that the good which had been done during the last two years had been done in spite of the Sunday Closing Act. He thought he would have gone a long way towards establishing his proposition if he could prove to their satisfaction that the good had been chiefly done in those places which were exempted from the action of the Act, and above all in the city of Dublin. He proposed to show that the good had been done by a fair, strict, and impartial administration of the law. The law, which was amended in 1872 and still further improved in 1874, had been strictly and impartially carried out, and the consequence was that the improvement was four times as great in Dublin as in any other part of the country. His idea was that total Sunday closing rendered the law odious to the bulk of the people affected by it, and that the true mode of promoting temperance was the careful administration of the law as amended in 1872 and 1874. He denied that Mr. Forster's evidence was of any great importance on the question, as he was one of the main promoters of the Act. The charges of the judges of assize which had been quoted were made soon after the passing of the Act, and did not seem to be very conclusive. Nothing was said about the charges during the past twelve months. The President of the Congress had in the inaugural address expressed an opinion on the subject, but he must mention that the principal cause of the demoralisation and drunkenness which had

existed in the City of Dublin was introduced by the President of the Congress when he was Attorney-General, when he flooded the city with beerhouses. He admitted that the temperance party had lent their aid to assist the magistrates and the police, but it was assumed that the temperance party did all the good, which assumption he emphatically denied. He contended that he himself was the first to call attention to the deplorable state in which Lord O'Hagan's Beer Act had left the city of Dublin, and that he supplied the larger portion of the material from which the late Chief Secretary made the improvements in 1874. They were told that the Act which closed the public-houses in the country on Sunday made the city of Dublin sober. He found from the official returns that while the improvement in the two years was 40 per cent. in Dublin, where the houses were open for five hours on Sunday, the improvement throughout the country was only 10 per cent.; and in the town of Galway, where the houses were entirely closed on Sunday, intemperance had increased 95 per cent. in the two years. He did not think there was any ground for the idea that the people in Galway took to drink because of their desperate condition. In regard to the increase of consumption in 1847, that was easily accounted for. Every one knew that as an ordinary rule when the circumstances of the working-man improved there was a greater consumption of spirituous liquor in any country. But, in 1847, 100,000 of the population of Ireland were laid up with famine fever, and an enormous amount of spirituous liquors were used simply for medicinal purposes. In that year ten millions of the public money were spent, the greater part of it in spoiling the public highways, and he had no doubt some part of that found its way to the public-houses. The province of Connaught, which was entirely given over to Sunday closing, was the only province where intemperance had increased, the whole of the exempted cities showing an improvement of 27 per cent., and the rest of the country 10 per cent. Waterford city showed double the improvement of Waterford county. The public would see that there had been an enormous improvement in the cities and a limited improvement in the counties. This was owing to the action of the police authorities in enforcing the law. It was not the severity of the punishment which deterred the people, but the certainty of it. The magistrates had a system of local option if they would only use it, and there was a power in the hands of the ratepayers practically to prevent the granting of any new licence if they did not wish it. There was also a power to put down improperly conducted houses, and the improvement in Dublin was due to the use of these powers by the licensing justices. It was a strange thing that, if Sunday closing promoted peace and happiness, the very reverse of peace and happiness had prevailed throughout Ireland since the Act came into effect. The falling off in the consumption of liquor during the last two years was due to the decreased purchasing power of all classes of the community, and it was new to him to hear any one exulting over the fact that they were poorer than they had been. He had done everything he could to promote the improvement of the licensing laws, and he was willing to do his best in the direction of some of the views expressed

by Mr. Russell, that is in the matter of having better public-houses. It was evidently a jest of Judge Lawson's when he said Sunday closing should extend to closing every other day, but in that matter the feelings, interests, and wishes of the working classes must be taken into account. It was idle to legislate without them, and his opinion was that the Sunday Closing Act was at the bottom of the disturbances which had occurred lately. That might seem strange to them, but he did not think it would seem strange to those entrusted with the government of the country.

Mr. WILLIAM TALLACK (London) said in one of the addresses reference was made to the desirability of carrying out the Sunday Closing Act to its full extent. He was waiting to hear—which he had not yet heard, although there was strong pressure in the direction of prohibition—one word in regard to substitution. He thought substitution should keep pace with prohibition. However acceptable it might be to the ladies and gentlemen working in the temperance cause to see the measure pressed further, yet the great mass of the community were so circumstanced that if they were shut out on Sunday it would become perilous unless they were given some substitute. The case of young shop assistants had also struck him. They were usually persons of temperate habits, and, in very many instances, they were turned out on Sunday morning, and they must ramble about the streets or go somewhere else. If all the houses of refreshment were closed, where were they to go? Where are the thousands to go who have no provision for Sunday? It was well known that some of the supporters of the Sunday Closing Act advocated the closing even of coffee palaces. In his opinion the coffee palace movement wanted extending. Many people were struck with the absence of drunkenness on the Continent, and drew comparisons between Continental institutions and those in England. On the Continent you would see people outside the restaurants, eating as well as drinking; there were places for the supply of solids, and most of the people were drinking coffee. As the screw was put on, all public-houses should be compelled to supply solids. In Continental cities, too, the churches were always open and people could walk in and out, but in this country the doors were shut as soon as the sermon was over. On the Continent it was held that people went to worship silently or by prayer, as well as to hear a sermon. People who urged the closing of public-houses should also advocate the keeping open of places of worship all the day. If they closed one place of resort they would thus open another. If closing were enforced he hoped that some judicious, liberal substitution would also be provided.

Mr. THOMAS PIM, jun. (Monkstown), said that there was no question that the effects of drinking had been lessened during the last three years. Mr. Dwyer had said it was no use doing anything unless they had the support of the working classes. He (the speaker) believed that no Act could be passed unless it had the good wishes of the people. They could not legislate except in accordance with the wishes of the people of the country. They might be perfectly certain that it was by the will of the people that the houses had been closed, as he was not aware of any public demonstration against it. The Act had done marvellous

things, as the Paper showed to-day. They were told that next session they were to have a bill for county government in Ireland, and he was in favour of the county boards having the licensing question entrusted to them instead of leaving it with the magistrates as at present. He did not think the police returns gave them any true idea of the injury done by the drinking habits of some of the community, as they could only remove a man from the street when he became a nuisance to those around him; but men were often injurious to themselves and their families, before they became public nuisances. The Sunday drinking habits of the people greatly injured the manufacturing interests of these countries, and the Americans said that they could get two days more work out of their men than we did. He was strongly of opinion that the body who granted licenses should be elected, and that the status of public-houses should be raised. They should do everything possible to reduce the amount of drinking in these countries, though he did not go so far as to advocate taking drink away altogether. If they were going to decrease the number of public-houses the community ought to be willing to pay for it; if they put a man out of his position they ought to compensate him.

Mr. William Gernon (Dublin) said Mr. Dwyer had discovered that the Sunday Closing Act was the cause of all the disturbances lately. If Mr. Forster understood that, he could get over the difficulty. Mr. Dwyer had also given all the credit of the improvement to the administration of the law by the magistrates. The Act had been tried for four years with the exemption of five large cities. The exemption of those cities was obtained by the representatives of the publicans in the House, but it was thought better by the promoters of the bill to put up with that compromise than to lose the bill altogether. Would Mr. Dwyer and those with him try the Act for three years without the exemption of those cities, and he would say for the temperance party that they would leave the result to the three years' trial.

Professor Barrett (Monkstown) said if the public-houses were closed at 7 o'clock on Saturday evening, two-thirds of the whole arrests would disappear. No doubt there would be a sudden rise at 7 o'clock, but it would fall again sharply.

Mr. W. G. Cox (Dublin) said Mr. Dwyer stated that the reduction in Dublin, where they had five hours open, was equal to 40 per cent., while throughout the country it was not nearly so great. He was quite sure Mr. Dwyer was unconscious of saying anything wrong, but the figures he had given were likely to lead to a wrong conclusion. He had before him the last report of the Dublin metropolitan police, and a change had been introduced in this way. The report for the first time tabulated the number of people (1,932) arrested as 'habitual drunkards.' That number was not, as in former years, included in the arrests for 'drunkenness.' Yet, if they looked under the head of 'drunk and disorderly' they would find all mention was omitted of these 1,932 habitual drunkards. Mr. Dwyer would probably reply that habitual drunkards had been left out in the same way in former years, and, therefore, they had a basis of comparison. The report,

however, said that the habitual drunkards were not included in the arrests for drunkenness for the first time. Taking this mistake into account, it materially decreased the apparent reduction in metropolitan drunkenness. Again, by Mr. Meldon's Act all the low beerhouses had been swept away, and the police opposed and extinguished several badly conducted public-houses at the renewal sessions. A number of spirit grocers had also ceased to exist. Altogether, out of 1,300 drink shops of all kinds, 500 had been extinguished during the last five years, and that would have a very large effect in decreasing the arrests for drunkenness.[1] If drunkenness had increased in Connaught it could not be said to be the effect of the Sunday Closing Act, because he found that in 1878 there were 593 arrests for Sunday drunkenness, and in 1880, 218 arrests, so that Sunday closing had affected Sunday arrests to that extent. Whilst general drunkenness in Galway had slightly increased, Sunday drunkenness had greatly decreased. Another matter which seemed to have escaped the notice of the section was the remarkable connection between the facilities for obtaining drink and the consequent drunkenness. An examination of the figures given in Mr. Russell's paper showed almost conclusively that the drunkenness of a locality increased in a direct ratio to the facilities for obtaining drink. In Ulster, leaving out Belfast, there was a drink shop to every 390 inhabitants, while the arrests for drunkenness were 139 in every 10,000 of the population. In Leinster, exclusive of the metropolitan police district, there was a drink shop to every 277 of the people, greater temptations than in Ulster, with worse results, viz. 172 arrests in 10,000 instead of 139. Connaught was more favourably situated even than Ulster, having only one public-house to every 397 people and 123 arrests in the 10,000. Munster, excepting Cork, Limerick, and Waterford, seemed to be an exception to the general law, having a much greater density of drink shops than any of the other provinces, while the arrests were only slightly in excess of those in Ulster. But it should be borne in mind that 58 per cent. of the drink shops in Munster were mere hovels, being under 10*l.* valuation. In the urban populations the operation of this law was distinctly marked. The metropolitan police district was freest from public-houses, having one house to every 271 inhabitants with 346 arrests. In Belfast the drink shops were slightly denser, there being one house to every 267 people; the arrests were also slightly increased, being 354 in the 10,000. Finally, taking Cork, Limerick, and Waterford together, we reached the greatest drink temptation, these cities having a public-house for every 135 inhabitants. The section would not therefore be surprised to hear that in these cities we also reached the exceptional and appalling proportion of 437 arrests for drunkenness in every 10,000 of the population.

Mr. Dwyer said he took the habitual drunkards into consideration. Without them the proportion in the decrease in drunkenness would be 43 or 45 per cent. instead of 40 per cent.

[1] This reduction of licensed houses combined with shortened hours of sale on Sunday would fully account for the decrease of drunkenness in Dublin.

Mr. J. Pyper (Belfast) said the representative of Belfast was not opposed to the Closing Bill. No one was allowed to put up as a candidate there who did not advocate total Sunday closing. He understood from the papers which had been read that there was a decrease in the amount of drinking and consequently in the amount of drunkenness, and the logical conclusion to draw was that if they still further decreased the drinking they would decrease the drunkenness. He thought the section should give some recommendation as to the diminution of drunkenness. His idea of the way was to take away the root of the evil.

Dr. Norwood (Drumcondra) said that when the Chairman returned to England he would be able to say that in Ireland they could discuss a burning question with calmness and good humour. It had been truly said that they could never carry out the law satisfactorily without the consent of the people. In his district, of which he was one of the justices of quarter sessions, he could state that every man and woman said that the Sunday Closing bill had been a great boon to the country. He thought the way a similar bill had been received in Wales was a testimony to its working here. The bill was a very great boon to the employés of the licensed victuallers. They were, at present, put outside the law of God, which provided that one day out of seven should be set apart for rest, recreation, and prayer. They required their Sunday rest as much as any one else, and they worked longer than most mechanics or artisans, because they opened early and closed late. He had never been able to discover the logical reasons for exemption of the five towns. He thought great service had been done by the bill to all classes, and he trusted that it would not be repealed. He found a close connection between the condition of the dwellings of the people and the amount of drunkenness. In Dublin there was going on an amelioration of the state of the dwellings of the poorer classes, and that ought to be taken into account in the 40 per cent. decrease in drunkenness. The dwellings of the poor and their enjoyments on Sunday should not be forgotten or neglected. He thought the licensed victualler had forgotten the meaning of the good old English term 'licensed victualler,' who supplied food as well as drink; the supplying of drink without food was one of the causes of drunkenness.

Mr. Lawson (Dublin) said they must bear in mind that they were not putting down drunkenness because it had a morally bad effect on man, but because it was a crime. It was said that a number of people were turned out of doors on Sunday, but, because they were trying to put down drunkenness, were they preventing those people enjoying themselves in the country? If they shut up the houses to the *bonâ fide* traveller, these people would be kept in the town and they would get the drink in some illicit way. He thought the whole of the discussion had gone in favour of the Sunday Closing Bill.

Miss Tod (Belfast) said the Women's Temperance Association, of which she was a member, dealt with the question more from a social aspect than from a public one. She had heard the experience of the wives of clergymen, who were missionaries in their congregations, in regard to the matter. They said men took the pledge and kept it till their homes

began to get nice and comfortable; they then broke out into a drinking bout and the comfort disappeared. Since the passing of the Act, which had greatly narrowed the range of Sunday drinking, they had found a much smaller number pledging themselves and then going away from a sober life. Ladies engaged in active life, the wives of the men, and ladies engaged among the poor in various ways, all bore testimony to the good of the Act. In regard to the five exempted towns, speaking from the social point of view, she was of opinion that the working had been anything but beneficial.

Mr. PIMPSTON (Manchester) thought the point should not be lost sight of that the working class, the drinking class, or many of them, had gravitated to their present condition from a better condition through the drinking of their immediate forefathers. Those were the men who, if they could be persuaded to give up drinking, would look out for better dwellings and improve their condition generally.

Mr. WIGHAM, in reply, said he thought, with the exception of Mr. Dwyer, no one had called into question the facts and figures he gave. The contention was that two hours of closing on Sunday had done great good, and that, consequently, total Sunday closing would be still more beneficial. Although substitution was not the subject before them, it had been alluded to. He agreed that there must be recreation and enjoyment for those against whom the public-houses were closed, and the Sunday Closing Act had been principally supported by those who were anxious to provide that.

Mr. RUSSELL, replying, said Mr. Dwyer rather challenged the competency of the section to discuss the question on account of the absence of the working classes. Such an objection came from him with a peculiarly bad grace; Mr. Dwyer had been holding meetings against the Sunday Closing Act, but did he invite the working-men to attend them? They were meetings solely of publicans. The charge against the section was not justified, and they could all remember crowded meetings of the working-men in support of the bill, whilst not one such had ever been held against it. Though there had been a decrease in intemperance in Dublin it was not so great as Mr. Dwyer showed. Speaking roughly, according to Dr. Hancock's returns, and comparing 1878 with 1880, there had been a decrease of 7,000 arrests in Dublin. These Mr. Dwyer attributed to the splendid action of the magistrates and the police, but they could remember the time when neither the police nor the magistrates were so active as they are now. There were those present who remembered the time when they had to apply to the Government to force the police to put the licensing laws in force. They remembered with pleasure and gratitude the action of Sir Michael Hicks-Beach in this respect. Mr. Dwyer claimed credit for the Licensing Acts of 1872 and 1874. The claim was very amusing, for everybody knew that the publicans rose against the Act of 1872, and it was carried at the point of the bayonet in spite of that opposition. The Act of 1874 was passed at the instance of the trade, and its real object was to take all the good out of the Act of 1872. The diminution in the consumption of drink, the arrests for drunkenness and assaults began in 1878, just when they had had three months of Sunday

closing, and set in more strongly after two years' closing. The arrests for drunkenness in Dublin in 1878 were 17,000; in 1880, 10,138; giving a decrease of nearly 7,000. Capt. Talbot, the chief commissioner of police, however, pointed out in his report that the habitual drunkards were not included in the figures for 1880. These amounted to 1,932 and had to be added. This brought down the reduction by 2,000. How did they account for this heavy decrease? When they closed the public-houses two hours earlier on Sundays in Dublin they struck off the two most favourable hours of the day. When the houses were closed at nine o'clock on Sunday night instead of eleven, the number of arrests did not decrease, but when they closed at seven o'clock instead of nine, a decrease of 2,220 took place. Closing at nine the men had time (seven hours) to get drunk, but closing at seven they had not time. The two hours from nine to seven struck down the number 25 per cent.; that left 2,000 to the credit of the police and magistrates. Lord O'Hagan had been somewhat ungenerously dealt with that day, but Mr. Dwyer ought to have said that if Mr. Gladstone made a mistake in a fiscal act, and saddled us with the beershops, Lord O'Hagan had made up for it by carrying the bill in the House of Lords which practically abolished them. Did the publicans support that bill? Not a single member that represented the Licensed Victuallers in Parliament supported it. It had closed 87 spirit grocers' shops, 34 public-houses, and 130 illicit shops; and 308 beer-houses bit the dust in four years. These figures showed that the closing had not increased the illicit drinking. If the closing of 559 liquor shops and the shortening of the Sunday hours by two made a decrease in the arrests of 4,000, what would be the result in ten years if the other 1,000 drink shops were closed? As regarded the increase of arrests for drunkenness in Connaught, it was a sad thing to say, but there never was a time of want, famine, and distress in this country when drinking did not increase. It was an ugly thing to say, and they would be accused of libelling the Irish people, but it was the truth, and the truth must not be burked. If they wished to know why drinking increased in Connaught and in Galway especially, he would tell them that the money contributed for the relief of hunger and want was distributed by publicans, who allowed meal tickets to be changed for anything, and they were often changed for whisky. The Protestant bishop of Limerick, who weighed his words very carefully, had said he had obtained positive assurance that the Sunday Closing Act had produced most beneficial results in his diocese, and had reduced the prevailing misery and crime. That prelate ought to know something about it. There never was a time in Ireland when ordinary crime was at such a minimum, and that was due to the diminution of the drunkenness in the country. Mr. Tallack had urged substitution, but he (Mr. Russell) did not think it quite fair that people should come forward with the idea that temperance people were the only people who should do anything in this matter. They had no more interest in raising the people than any one else. Why should it be put upon them to build coffee shops? There were lots of people doing nothing; let them exert themselves in that direction. And after all, the people who had built coffee palaces and artisans' dwellings were mainly temperance people or those

with strong sympathies with the temperance cause. So far as the *bonâ fide* travellers are concerned every real traveller on a journey had a right to his drink, but such doings as persons going on a train a sufficient distance to qualify to get the drink ought to be put a stop to.

DISCHARGED PRISONERS' AID SOCIETIES.[1]

How can the Work of Discharged Prisoners' Aid Societies be improved; and is it desirable to secure the Co-operation of the Police with liberated Prisoners on their Reform? By WALTER R. CROFTON, Inspector of Irish Prisons.

THE question which it is now desired to bring before this Section is, I apprehend, likely to provoke some considerable differences of opinion.

Aid Societies and police supervision are subjects which have been discussed at Congress after Congress. This year a further step is taken: we are asked to consider in effect whether a combination of both is likely to be advantageous.

As I shall presently show, there is no doubt whatever about such a system being practicable, and I shall hope to prove that it could be made a real advantage and benefit both to society and to discharged prisoners; to society, because the combination would, if worked as I shall endeavour to point out, considerably decrease the numbers in our prisons, and consequently the heavy cost of their maintenance, by providing an effective alternative to the sentence of simple imprisonment with which we are at present content to punish every crime and every criminal. To the prisoner, because, instead of a prolonged confinement at the expense of those whom he has injured; instead of being habituated to even temperature, comfortable bed, excellent clothing, substantial diet, and moderate work, his actual imprisonment is to be short and sharp. He will then be free to work for himself and his family, free to live honestly, but only free so long as he consents to live under the eye of the policeman, who, as the agent of the Aid Society, is to be his best friend to assist, or, as the agent of the law, to frustrate, according as the ex-prisoner's conduct requires him to act.

What is the end and object of a Discharged Prisoners' Aid Society? Why, to place prisoners, at the expiration of their sentences, in the way of earning an honest living, so that none

[1] See *Transactions*, 1880, p. 281; 1879, p. 272; 1878, p. 292; 1876, p. 328.

should be driven by necessity or extreme provocation to join the ranks of that class which is a standing disgrace to the United Kingdom—I mean the class of habitual criminals.

I suppose that no one here will deny the immense amount of good which these Aid Societies have done and are doing. In my opinion, no prison system, however good in itself, can be really satisfactory without such a society working in connection with it.

In this matter we in Ireland are lamentably behindhand. We have an excellent prison system; all advantages are withheld from the prisoner until he has earned them; he begins in extreme discomfort, and is taught that it is not time, but good conduct and hard work, that bring alleviations and one advantage after another. There is also another lesson he must learn, viz. that idleness and want of self-control bring their own punishments; consequently these prison privileges can be lost or retarded as well as earned.

Once really teach a man that self-control and hard work bring comfort—if only prison comfort—that idleness and misconduct cause hardship and want, then we shall have substantial ground for hope if, and only if, we place it in his power to live honestly and walk in the new path. At present, when a sentence expires, we open the prison door, press a few pence or shillings into the man's hand, tell him to remember what he has been taught, and to go and sin no more.

Now, what is that man to do? A mason, it may be, or an agricultural labourer, discharged from gaol in mid-winter; he is without employment, without friends. Where is he to find work? Who will enable him to do it? Remember, there is one path open to him, and it is an easy one, for there are plenty ready to assist him along that—it leads to the haunts of the habitual criminal. I for one cannot wonder there is so much reason for the judicial lamentations over the habitual crime of our country. I cannot wonder, because the last link in a chain is wanting. An Aid Society must step in to say, you have been punished, you have been taught; here is a chance of leading an honest life.

I detest a system which implores the criminal to come and try what an Aid Society will do for him or her; but I plead for one which says—here is a chance if you wish for it—believing as I do 'that throughout this country no man, woman, or child should be discharged from gaol without an opportunity of leading an honest life being placed before them.'

If that opportunity is refused, then we should be able to

appeal with confidence to the judges to protect society by the infliction of long penal servitude sentences upon those who have so evidently made up their minds to live, if they can, upon the gains of others.

There is, I believe, no surer way of stamping out the habitual criminal than by never losing sight of him. Secresy and strangers are the conditions which he requires in order to flourish. It should be one object to make him known wherever he goes, to make his acts as public as possible. Such a system of supervision must succeed; and if the judicial bench could be persuaded to act somewhat on the Gloucestershire system, which I shall presently describe, there could be no such thing as an habitual criminal at large in Ireland. It should not be possible—as now, alas! it is—for a man after several convictions in Dublin to remove to Cork, and be treated there under an assumed name as a first offender.

But if the discharged prisoner is to be exposed and watched, who would employ him? How is he to earn his bread? The answer to this shows the importance of an union between the police and the Aid Society. The latter would have on their books the names of some who are willing to employ ex-prisoners; they would often assist by means of providing tools, clothing, travelling expenses, &c. The former would have the experience and local knowledge which is so essential. They should to the utmost of their power assist those striving to live honestly, and rigorously expose those whom they may find to be sailing under false colours, or relapsing again into actual crime. The law at present stands thus: 'When a prisoner is convicted on an indictment, and a previous conviction is proved against him, in addition to his sentence not more than seven years' police supervision may be given.' This sentence of supervision compels the discharged prisoner to give notice to the police of each district when he arrives and when he departs, and, if a male, to report himself once a month at the police station.

It is rare indeed to find this clause really worked as it might be, in my opinion, with incalculable advantage.

A man is convicted of his second felony, it looks very bad; the coach is going fast down the hill which leads to the valley of 'habitual crime.' We must put on the drag, in the shape of 'police supervision'; if that fails, we must upset the coach, with a sentence of penal servitude; but before taking such a strong measure, let us see what can be done with the drag. Instead of giving this man who stands convicted of his second felony twelve months' imprisonment, let us give him six and

two years' supervision, which means, that his actual imprisonment will be short and sharp; at its expiration the Aid Society will assist him to earn an honest living, but that for two years, although a free man, he must live under the eye of the police.

In England, judges and magistrates appear to be gradually realising the benefits resulting from supervision, as the following figures will show: In the year 1874, 874 persons were under police supervision in the Northern District, and 375 in the Midland. Six years after we find 2,328 under supervision in the North and 626 in the Midland. These figures are of course exclusive of convicts on licence.

We in Ireland have unfortunately a very different story to tell, the number of sentences to supervision having fallen from 65 in 1874 to 26 in 1880, in spite of a large, steady increase in the number of indictable offences for the past four years.

The total number of persons under sentence of supervision at the present time is only 268, and this although the last judicial statistics show 23,267 recommitments, of whom 1,461 were known thieves: and 3,269 persons at large who are known to be thieves, receivers of stolen goods, or suspected persons.

There are no doubt some present who are inclined to question the probability of discharged prisoners being able to earn an honest living when under police supervision. Numerous objections naturally occur to those who have not followed for themselves, or been informed by others of, what has been done and is now doing, towards employing the police as agents of an Aid Society; I will venture, therefore, to place before you the published opinions of some gentlemen who have for years made a study of this and kindred questions.

At the great International Prison Congress of 1872, Sir Walter Crofton said 'He had known no bad results from police supervision in this country: on the contrary, he had found the police co-operating in every possible manner with discharged prisoners in their efforts to obtain employment.'

Mr. Barwick Baker said, 'In his own county there was hardly ever such a thing as a man under supervision out of work. Such people ought not to be able to get light, easy, well-paid places, where their characters were not known. They must begin their new career with a lower kind of work, and prove themselves worthy of rising to higher positions.'

Mr. Murray Browne, who has perhaps done more to assist the establishment of Aid Societies than any man in England, said, 'Prisoners' Aid Societies knew that police supervision did not prevent prisoners getting work. Last year, on the

Home Secretary taking their opinion, 13 out of 16 were favourable to the system.'

Mr. Hastings, when this Congress met at Glasgow, said 'He differed altogether from those who thought police supervision was in any way detrimental to the interests of the discharged prisoner. It was found to be a means of facilitating their employment. The business of the police was to do for discharged prisoners what they had no call to do for others, viz. see that they were put in the way of living honestly. In his own county no part of the duty of the police was more efficiently and benevolently performed than looking after those under police supervision. It was the duty of the police to see that such persons did not relapse into crime, and they had sense enough to know that the best way of doing that was to procure them employment or put them in the way of finding it.'

Sir Edmund Henderson, the Chief Commissioner of the London Metropolitan Police, stated before the Penal Servitude Commissioners, 'He had taken great pains to find out if there has been any justification for the complaint that reporting to the police interferes with a man obtaining an honest livelihood, and that there are only two cases in which he has been able to ascertain that the police have interfered improperly or injudiciously with ticket-of-leave men.'

The Penal Servitude Commissioners, after taking the evidence of Government officials and the managers of Aid Societies, as well as that of discharged prisoners, unanimously made the following recommendation:—

'That special police officers should be employed exclusively in supervising convicts on licence and other prisoners under supervision. They should be selected for their fitness for this particular duty, and *should act in all cases in conjunction with the Discharged Prisoners' Aid Society.* They should not be in uniform, and should not discharge ordinary police duties. In this manner, if the officers were judiciously selected, we are satisfied that while ill-disposed men would be far more effectually watched, the better disposed would come to look upon the supervising officers rather as friends than enemies, and complaints of undue interference would seldom occur. In short, these officers would, we hope, act in the spirit of the late Mr. Organ, who for many years managed, with such remarkable success, the supervision of discharged convicts in the Dublin district.'

I think every one will acknowledge that, if there are difficulties in providing work for prisoners under police supervision,

they must be increased tenfold in the case of women. At Battery House, Winchester, convicts are received during the last few months of their sentences, and from it are discharged on licence. The superintendent informs me she has no difficulty in obtaining situations for these women, provided they are young and healthy, that she has from time to time many applications for them, although the truth is invariably told.

Of course much of this success is to be attributed to the great personal interest and intense zeal which Miss Pumfrey throws into the work of the Refuge. But it proves that, even in the case of women, the fact of being under supervision affords no obstacle to their obtaining and retaining situations even as domestic servants.

But I have to prove more than this. I have to show that the police can and will assist the work of an Aid Society.

On March 16, 1875, the following resolution was passed at the Gloucester Quarter Sessions:—

'That the chief constable be informed it is, in the opinion of this court, desirable that the police should keep a careful watch on all persons who have been convicted of any crime at assizes or quarter sessions after their discharge from gaol, whether under police supervision or not. That the police should use what means they fairly can to obtain places of work for such persons as are seeking work, taking care to acquaint the employers with the truth. That if the police become aware of any such persons being employed in a situation where it is probable that the employer is ignorant of the truth, the chief constable be at once informed. That the chief constable shall, if he thinks the employer should be informed, take measures to inform him accordingly, using all proper delicacy and privacy, first giving the convict the opportunity of informing his employer himself. That this be limited to a period of three years after discharge.'

Now, how has this extraordinary resolution worked? Why, six years after its date the chairman of the quarter sessions said that the county had every reason to be satisfied with the experiment, that Mr. Baker had reason to congratulate himself upon the plan which had turned out so entirely successful in its working, and the court recommended the consideration of the measure to other counties. The chief constable said, 'The police in this county have been employed as agents of the Discharged Prisoners' Aid Society for three years, and although the amount of money distributed by them is very small, I think that the knowledge among the criminal classes that they

may go to them for help, not only in a pecuniary way, but also in getting employment (which is the mode by which they are assisted most), and that they are their friends and not necessarily their enemies, is productive of great good in engendering a good feeling among the lower classes towards the police. I think the police, as a rule, are fit persons for this work, and from my experience are anxious and willing to assist those who have been convicted.'

Sir Richard Cross, when Home Secretary, seems to have been impressed with the idea that the work of correctly and accurately supervising prisoners on their release was of real importance, and could not be satisfactorily performed by the already overburdened prisons or police departments. He accordingly appointed a director of criminal investigations, whose duties are far beyond the mere detection of criminals. The establishment of an independent and central office, under one who so evidently means to make it a success, has already resulted in a vastly improved system of police supervision. How far it is likely to benefit those discharged prisoners who are trying to earn their living with honesty is best shown by the following documents issued by the director.

A letter dated October 1, addressed to the different philanthropic societies, in which Mr. Vincent says: 'I shall feel obliged if you will inform me if at any time you have an opportunity of obtaining employment for discharged prisoners, for which no person on your books is available, and if in such case you would feel disposed to extend your influence, sympathy, and aid to a convict on licence, or person under police supervision whom I might recommend to your notice. There are usually some 1,200 of these persons, male and female, many able-bodied and skilled in handicraft, reporting to the Metropolitan police, and, while the requirements of the law must be strictly fulfilled, every effort is made to secure for them honest employment and to retain them in it.'

The report of the director for the year ending 1880, in which he says: 'On June 1, 1880, the Secretary of State was pleased to sanction the formation of a special branch, under my direction, for the assistance and control of convicts discharged upon licence and persons under sentence of police supervision in the Metropolitan Police district. This branch, consisting of specially selected officers, is in constant communication with the various excellent societies for the succour of those who, having been convicted of crime, are in special need of friendly help. Inquiries were made on behalf of the Royal Society for the Assistance of Discharged Prisoners during the six months.

Besides putting all, on their release from prison, in the way of finding honest labour for themselves, *upwards of thirty situations have been found by the police for especially deserving candidates*, and the grateful letters recording the prosperity of the writers show that the efforts made in this direction are conducive in some degree to the public interest. At the same time the provisions of the Prevention of Crimes Act have been strictly enforced against all the honesty of whose proceedings was doubtful.'

I regret that this work, which is so undoubtedly sound and beneficial, should be almost confined to the Metropolitan district. An extension is, however, made extremely difficult by each county having absolute control over its police arrangements.

But in Ireland we have no such obstacle to overcome. The constabulary are under a central authority. The prisons are under a central authority.

With circumstances such as these in our favour, police supervision could be made certain and effectual.

No man under supervision should be lost sight of for long if he remains in the country. His photograph and description follow him from place to place; publication in the 'Hue and Cry' is the result of false information or unnecessary delay.

The duty of supervising and assisting him should be fixed on one particular constable in each district, and not upon the whole station. Quarterly reports should be made as to the manner in which he is conducting himself, and a complete record maintained. To use Mr. Vincent's words, 'While the requirements of the law must be strictly fulfilled, every effort should be made to secure honest employment and retain them in it.'

Gloucestershire has no habitual criminals at large, simply because no one is allowed to become an habitual criminal. A first conviction for an ordinary felony is visited with a short term of imprisonment, probably one month; a second with six months and two or three years' police supervision; a third with penal servitude.

It would, I think, be an advantage if prisoners under police supervision were released on the same conditions as those to whom a licence has been granted; but what I have urged in this Paper *requires* no fresh legislation. It only needs that those who have power in this country should direct the necessary steps to be taken. Those steps are practicable, simple, and I believe could be made perfectly effectual, not only in rooting out, but in preventing the formation of the criminal classes. They are—

I. The establishment of an aid society upon a broad and liberal basis.

II. That judges and recorders should be induced to act upon the Prevention of Crimes Act, and sentence to supervision upon a second conviction for felony, in addition to a few months' imprisonment, thereby reducing the numbers in our gaols and the cost of their maintenance. That a third conviction should be held to prove the determination of the criminal to live in crime, and bring with it a sentence of penal servitude as a matter of course.

III. That police supervision should be made real and complete, by placing its direction in the hands of one man as in London, and by directing that one constable in each district should be selected and entrusted with the delicate and all-important work of supervision within his district, and at the same time act as agent for the aid society, in accordance with the recommendation of Lord Kimberley's commission.

On the Same.

By T. Barwick Ll. Baker.

FOR many years different opinions have been put forth respecting the wisest method of treating discharged prisoners. Is it best that they should be kept under watch for a time, and assisted to find work, though perhaps of an inferior kind, with their characters known to their employers? or should they be left to find employment for themselves, when by concealing their antecedents they may possibly obtain a higher class of work and better wages, and escape any disgrace and drawback resulting from their crime? As I say, strong opinions have been held on both sides, but the matter has, I think, never yet been fairly considered, and I am in hopes that the present discussion may bring the question nearer to an issue. The advocates of concealing the antecedents are the most numerous, especially in certain localities. In Liverpool, Manchester, and Leeds we are told that if a man or boy has once been in prison, for what offence it apparently does not matter, it may ruin him. In London it is frequently complained that notwithstanding the most stringent orders to the police not to reveal the antecedents of a discharged prisoner whom they may find in a place of trust—yet either through the police or otherwise the truth now and then leaks out, and the unhappy man loses his place.

In Scotland, the 'righteous indignation' against crime appears to be carried to an extent which we cannot but consider very 'unrighteous.' In a Paper read before this Section last year in Edinburgh, it is stated that if a child is once convicted of any theft, he 'is a thief from that time forth. In every quarrel at play, his companions call it to him; his fellow-apprentices give him a wide berth. When he becomes a man, a respectable girl will not look at him; his fellow-workmen hold aloof, &c.'

In America, in the report of Mr. Russell to the Ohio Conference of 1879, we are told not only that such men cannot obtain work where they are known, but that even their brothers and sisters and other relatives are distrusted and refused employment, and are obliged to go to some other town where they are not known, until some mischance reveals the truth, and they are again hunted forth.

For my own part I cannot help believing that these reports both of Scotland and America must be somewhat exaggerated, though with the kindest intentions of enlisting sympathy for the men discharged; because if such were really the case, so large a percentage of men would necessarily return to crime, that the aggregate of offences would be far higher than we find it to be. But however this may be, two opposite opinions clearly exist on the subject, and require careful consideration as to which of them should be adopted.

We find the more numerous party who advocate concealment, constantly complaining of the failure of many of their protégés through the difficulty of maintaining the secrecy required, though they still hold the *suppressio veri* to be necessary in order to obtain any employment at all.

On the other hand, I myself (I might add, most of my reformatory brethren, only that I wish simply to speak from my personal experience) have from the first made a point of never sending out a reformatory boy to any place without making his antecedents fully known, and after my first year or two I have found no difficulty whatever in placing out a boy as soon as I consider him worthy of trust.

I think it was in March 1864 that Mr. Murray Browne took the management of the Discharged Prisoners' Relief Society in London (for short-sentence men), and from the first determined not to place out any man without making known his antecedents. Though I fully agreed with him in this principle, and was more sanguine than most others of its ultimate success, yet I told him that he must not expect to find work in the first year for more than half the men referred

to him, but that he would find more places the second year, and more still in the third. I was mistaken, however, as I often am. During the first, and all the eight years in which he retained the management, although above 500 men each year were sent to him, there was not one for whom he was unable to find a sufficient place of honest work. I believe that up to the present time the work has been carried on with at least equal success, but I have not kept so close a watch on it of late, and cannot speak with the same certainty.

And this has been carried on for seventeen years in London, where we are still told that any man known to have been in prison will be unable to find honest employment, but will be 'hunted back to crime,' and where it is still held necessary to order all the police to take the greatest care—not to let the truth be known.

In Gloucestershire, where the system has been more fully carried out than in any other place I know, the following report on the subject was read at the last Trinity Quarter Sessions, and unanimously adopted:—

'Six years ago this Court ordered that notice should be given to all prisoners discharged after sentences passed for indictable offences, or for offences under the Criminal Justice or Juvenile Offenders' Acts, that they should not try to conceal their antecedents, but should themselves inform any employer who engaged them of their recent imprisonment, and that if they did not do so the police might inform him. The police were desired to keep a watch on such discharged prisoners, and to assist them in finding work with their characters known. For the last three years the superintendents of police have acted as agents for the Discharged Prisoners' Aid Fund, and have had small sums of money in hand to relieve any real distress that they may find. The system acts well. The discharged prisoners, in whatever part of the country they may be, have a superintendent within reach to whom they may apply to assist them with money and work. All who are willing to work find nearly constant employment, and the money given away is extremely small. The Chief Constable has not once in six years found it necessary to inform an employer of the antecedents of any one employed by him, and necessarily when the truth is known from the first, no one is turned out of work in consequence of its being found out. The public appear to appreciate the being fairly dealt with, and many are willing to employ a discharged prisoner, with a full knowledge of his character, who would have turned off one who was found to have obtained employment without stating the truth. On the

whole—on six years' experience—they can recommend the consideration of the measure to other counties.'

And the Chief Constable, Admiral Christian, said: 'I am glad that the matter of employing the police in aiding discharged prisoners is to be brought forward at the Social Science Congress this year. As you are aware, the police in this county have been employed as agents, as it were, of the Discharged Prisoners' Aid Society for upwards of three years, and although the amount of money distributed by them is very small, I think that the knowledge among the criminal classes that they can go to them for help, not only in a pecuniary way, but also in getting employment, which is the mode by which they are assisted most, and *that they are their friends and not necessarily their enemies,* is productive of great good in engendering a good feeling among the lower classes towards the police, and greatly increasing their efficiency and value. *I think the police as a rule are fit persons for this work,* and from my experience are anxious and willing to assist those who have been convicted in earning an honest livelihood. There is not much difficulty for a discharged prisoner to get employment when he lives in an agricultural district, but in large towns it is sometimes hard to do so, and it is in these cases where the police are more often able to assist. *The employment of the police in this work does not interfere with their other duties.*'

In America, where we are told that the most vicious persecution generally exists, not only of (many of) those who have been in prison, but even of their innocent relations, there has lately been established, at Elmira, in New York State, a reformatory prison for adults from sixteen to thirty years of age. It has not been three years in existence, but by a report I have just received it appears that each man is discharged on parole (equivalent to the licence of our reformatories), with power of recall to the prison in the case of misbehaviour, and with 'full understanding with his employer as to his prison experience, and the supervisory care which the managers still exercise over him.' Not a word is stated in the report of the difficulty of finding places; 479 men had been discharged, and a close watch maintained over them; fifteen appear to have relapsed and been returned to prison, the rest are reported well of.

It may be said that this result is due to the good discipline of the reformatory, but I cannot believe that from the first, before the effect of the system had been experienced, so extraordinary a change could have been produced as that men who

had hitherto dreaded all convicts should become on a sudden ready to receive any number required—and all from faith in a hitherto untried system. I believe the truth to be simply this. In New York, in Scotland, in London, Liverpool, Leeds, and elsewhere, there will be found many masters and many sets of workmen (the latter more generally than the former) who, partly from fear, partly from a Pharisaical self-righteous spirit, will refuse to hold communications with any one who has been found out in a breach of the law. We may not consider their view very charitable, but they have a right to hold it if they please, and they ought not to be cheated into employing men to whom they object. But there are also everywhere many employers who are willing to take these men, some from the highest motives of charity and goodwill, some because they may chance to get them at a trifle lower wages. There are already enough persons so disposed (and their number will rapidly increase) to employ all the discharged prisoners who require it. But how shall we find them? One Discharged Prisoners' Aid agent in a county has little chance of knowing men throughout the district; but the police spread throughout the land can find them readily. But the general order given to the police to take no kind of notice of a discharged prisoner, and to *pretend* not to know an old thief, even if they see him employed in a place of trust, prevents their honestly giving very valuable help.

The true rule should be that prisoners, whether boys or men, should be made to feel, not that they are disgraced by prison, but that they have disgraced themselves by their crime (and more or less according to the degree of crime), and have lost (more or less) their self-respect, and the respect and goodwill of their neighbours—in other words, their character. They should feel that their self-respect and character cannot be regained in prison nor even in the reformatory, though good conduct in both is important as a beginning; but it is highly necessary that they should feel that these most valuable possessions may be fully regained by more or fewer years of good conduct, at liberty, and in the sight of those who have known the fall. To try to gain a false character by a lie or by concealment or evasion of the truth, cannot do otherwise than lower a man's moral status. The openly confessing the truth, and striving to redeem it by steady good conduct, fits a man to regain the character he has for a time forfeited.

A further Paper, entitled 'Discharged Prisoners' Aid Socie-

ties: what they are, and how to form them,' was read by Mr. J. Ll. Murray Browne, Honorary Secretary of the Cheshire and of the Carnarvon Discharged Prisoners' Aid Societies. The object of this Paper is to give some account of existing Discharged Prisoners' Aid Societies in Great Britain, and to explain how such societies may be formed, whether in England or in Ireland.

There are in Great Britain fifty-one such societies in all, who amongst them embrace within their operations by much the greater part of the island. The names and addresses of these societies, with much additional information, will be found collected in a small pamphlet, entitled 'Suggestions on the Formation of Discharged Prisoners' Aid Societies' (4th edition), published by the Reformatory and Refuge Union, 435 Strand, London.

These societies work in connection with the prison authorities, from whom they receive every information and assistance in selecting the prisoners to be aided and otherwise. Some societies have homes for the reception of ex-prisoners, but as a rule these homes are confined to the cases of convicted women. Adult male prisoners are not generally found to require reception in homes, and the case of juvenile criminals is not the subject of the present Paper. Some of these societies are managed by chaplains or governors of gaols: others by private persons. Many societies working on a small scale are able to dispense both with offices and clerk. The services of an agent of some kind are, however, in most cases found necessary. The duties of the agent are to work *outside* the prison; to take charge of prisoners upon the expiration of their sentence, to find employment for them, &c. Societies working upon a limited scale are not found to require the entire time and energies of an agent. In such cases persons in business—old policemen with a pension, or the like—may be employed, and may be paid either by salary or by a small fee for each case undertaken by them. In this manner it is possible to engage agents in several different towns at small expense.

Some societies, notably in Gloucestershire, employ the police as their agents, with marked success. But this system has been already described to the meeting by Mr. Baker.

Out of the total number of prisoners in gaol, the proportion requiring aid is not very large. A great number, *e.g.* nearly all men committed for drunkenness and common assaults, obtain work without difficulty on their discharge. Others have friends able to do something for them. The remainder alone need the assistance of a society.

Nor is it by any means so difficult as is sometimes supposed to obtain work for discharged prisoners. The degree of the difficulty will, of course, vary under different circumstances. But in England, at all events, it is found that, with some few exceptions, work can be found for all discharged prisoners who are able and willing to do it.

The funds with which the English societies work are derived partly from subscriptions and donations, partly from moneys voted by Parliament and distributed by the Prison Commissioners, in the same manner as appears to be contemplated by the Irish Act, which I shall presently cite to you.

There is a central committee of Discharged Prisoners' Aid Societies in connection with the Reformatory and Refuge Union, 435 Strand, who meet when occasion requires.

Such are a few of the facts relating to the existing Prisoners' Aid Societies. I proceed to speak of the manner in which such societies may be formed.

The manner in which these societies have hitherto been formed in England is sufficiently simple. A larger or smaller number of gentlemen (frequently a very small number) vote themselves a Discharged Prisoners' Aid Society. They meet, appoint an honorary secretary, and *pro formâ* agree upon a set of rules. They then proceed to apply to the proper authority for a certificate as provided by Act of Parliament. The society is then ready to commence operations, and to claim its share in the Government subvention alluded to. Inasmuch, however, as the English statutes upon the subject are not identical with those in force in Ireland, it seems well to refer at this point to the Irish Acts. The first statutory provision on the subject applicable to Ireland was passed by Sir Michael Hicks-Beach. The existing enactment appears to be the Prisons' Act (Ireland), 1877, 40 and 41 Vic. c. 49, sec. 44, which enacts 'The Chief Secretary to the Lord-Lieutenant, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence as he thinks fit as to the condition of such society, may issue a certificate under his hand, to the effect that such society is approved by him for the purposes of this Act; and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate; and any society in respect of which such certificate as aforesaid has been granted and remains in force shall be

deemed to be a certified Prisoners' Aid Society, and to be entitled to such privileges as are hereinafter mentioned.'

Section 45. 'Where any prisoner is discharged from prison, the General Prison Board may, in addition to any sums by law payable to such prisoner, order a sum of money not exceeding 2*l.* to be paid out of any moneys under their control, and applicable to the payment of the expenses of the prison by the governor to the prisoner himself, or to the treasurer of a certified Prisoners' Aid Society or refuge, on his receiving from such Society an undertaking in writing, signed by the Secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, repay the same to the General Prisons Board.'

These sections closely resemble those contained in the corresponding English Acts, and it will be observed that they provide funds, from which at least some portion of the expenses of a certified society may be recovered.

It is both important and encouraging to notice that the General Prisons Board, in their last report (1879-80), express their regret that so little advantage has been taken in Ireland of the provisions contained in the Act of 1877 with respect to the establishment and recognition of Discharged Prisoners' Aid Societies.

Mr. Alcorn has drawn attention to the fact that a comparison of the percentage of re-convictions in England and in Ireland respectively, as extracted from judicial and criminal statistics for 1879, appears to point to the need of Prisoners' Aid Societies in the Emerald Isle.

'Out of the total number of commitments of criminals (debtors and military prisoners, as also those committed to the smaller district prisons being excluded), the number of re-commitments of *men* was in Ireland 48 per cent. as against 34 per cent. in England, and of *women* 73 per cent. in Ireland as against 53 per cent. in England. So also the frequency of re-commitments above ten times is much larger in Ireland than in England. The Irish proportion in the case of *men* is 14·4 per cent., as against 8·3 per cent. in England. In the case of *women* it is even more remarkable, for the Irish proportion is 27·1 per cent., or more than one-fourth of the entire, as compared with 22·3 per cent. in England.'

I may conclude by referring those desirous of further information to the pamphlet already mentioned, 'Suggestions on the Formation of Prisoners' Aid Societies.' I shall be happy to do anything in my power to aid in the establishment of new

societies in Ireland, and I am sure that I may make the same offer on behalf of the council of the Reformatory and Refuge Union already named. My own experience points to the conclusion that the better course for a young society is to commence operations on a small scale, and at small expense; leaving the work of development to be carried out as need and opportunity arise hereafter.

Mrs. MEREDITH also contributed a Paper on the 'Connection between Discharged Prisoners' Aid Societies and Police Supervision of ex-prisoners.' This Paper argues that police supervision is the duty of the State; and that as preventive and protective action of the State it is the duty of the Discharged Prisoners' Aid Societies to co-operate with it. There may be errors, it is granted, in the administration of police supervision, but that is a question of detail into which the author does not go. The management of the Discharged Prisoners' Aid Societies, it is suggested, should be vested in persons who are not officially connected with either prisons or police, but purely a voluntary charitable agency. Also it is proposed that no State grant be made to any such Society, but that the work should depend wholly on the contributions of the Christian public, to which its principles should commend themselves, and its practice be productive of results that would warrant support and confidence. Mrs. Meredith believes that Discharged Prisoners' Aid work ought to be done by religious people, and have in view the spiritual interests of criminals. She does not recommend its being done in a denominational spirit, but as a simple agency for propagating the knowledge of God's mercy in the Saviour.

DISCUSSION.

Dr. BARNARDO (London) said his experience was largely gained among the class many of whom had suffered imprisonment, and therefore were liable to become the objects of assistance from the aid societies. He did not suppose there could be much doubt as to the benefit conferred by such societies, but he strongly differed from those who had preceded him in their views as to what agents should be employed in the necessary supervision. In dealing with this subject we had to consider, not what the police might become in some millennial age, but what they were at present. He was most unwilling to say one word that might seem like a charge against the whole body, but one ought not on such an occasion to refer to the subject with bated breath, and it must be borne in mind that during the last six months two or

three of the London police magistrates had drawn attention to the fact that when policemen who came before them desired to procure conviction, they had frequently committed perjury or they had grossly exaggerated facts so as to accomplish their object. With reference to the Prisoners' Aid Societies, he could not help thinking that the task of rescuing a sinner from the error of his ways ought to be entrusted to other agents than those furnished by the police body generally. In reply to the charge of the evils of their injudicious interference with discharged prisoners, it had been said that Sir Edward Henderson had only been able to find two cases of injudicious interference with prisoners trying to get work, but he could not imagine that he (Sir Edward Henderson) had made his inquiries over a large area. It must be remembered that only those cases in which the sufferers were backed by influential friends were likely to be brought under Sir E. Henderson's notice. Most of the prisoners who would be injured by police interference would be too afraid and cowed by the opposition to make any protest against the treatment. But what about the cases of those who were annually driven back into crime as a consequence of information about their past misdeeds being given by the police without necessary provocation? There could be no doubt in his mind, and in the minds of many people who, like himself, were brought into contact with the poor through mission agencies, that there were a very large number of persons every year driven back into crime in despair, as the result of unnecessary police interference. One of the papers stated that the metropolitan police had found thirty situations for discharged prisoners in six months, and this was stated as a proof of the value of police supervision; but he could not help thinking that it might be read quite the other way, for when the vast number of persons discharged in six months was considered, the comparative value of thirty situations among so many proves rather how inoperative the beneficial effects of police interference were. It ought also to be borne in mind that a policeman did not always draw the distinctions which a finer and more suitable agent would do with regard to convictions. Many offences were committed every year through drink, and a man once convicted for an offence while in a state of intoxication should not be regarded as so utterly criminal unless it could be proved that he afterwards relapsed into crime. Of course he did not mean to suggest that it was wrong to attach full responsibility to crimes committed under the influence of drink, but it would certainly be right to draw a difference between those acts and others. But could a policeman draw such a difference? Was it not enough for him to be able to go to the prisoner's employers and say so and so had been convicted; and was it not a fact that this had often been done in cases where the crime for which the prisoner had been convicted was one committed under the influence of drink, and for which the person was now thoroughly repentant? With regard to the ease with which employment was found for discharged female prisoners, it was stated in one of the papers that a lady at Winchester declared that employment was easily found for young and healthy women. He did not know the facts of the case, but he would like to ask, Were these women employed as domestic

servants, or in laundries? If a girl had been convicted it was almost certain to shut the door to her employment in domestic service. Few mistresses, even religious people, were willing to employ such girls, being naturally fearful of the consequence of having persons of that class in their houses in contact with other servants, and, above all, in contact with their children.

Colonel RATCLIFF (Birmingham) said Prisoners' Aid Societies worked well and had done much good. It encouraged him to know that so many societies had been established. Prisoners found great difficulty in getting employment unless there was an agent to take them by the hand and help them, and, unless so aided, they were almost certain to go back into crime. During the time a man was in prison great care was taken by the governor and chaplain to find out if he were really anxious to have honest employment, and it was then sought for him. There was not an indiscriminate use of the society, for they found a number of prisoners who did not care an atom for what was told them about honesty. There were some who were influenced by kind treatment in the prison. For those who expressed contrition situations were found by the agent, and supervision followed—not one that would tantalise—to aid them, and, if possible, give them a stronger desire to go on in an honest course. There were cases where, however strong the desire to lead an honest life, the influence of old associates rendered men indifferent to employment. In cases of that sort, it was found better to remove a man entirely from the influence of the old associations. Sometimes prisoners were sent to other countries, where they began a new life when they found they were dependent on their own labour, and amply repaid the trouble expended on them by the society. The societies were of great use, and there should be no town without one. When a man once lost his character, and character was everything, unless on leaving prison he was very careful, it was doubtful that he ever got back to his original status. It required some one to encourage him, and unless there were societies to aid prisoners willing to follow the course of life taught them in prison we should find no diminution in the number of habitual criminals. Great difficulty had been found in providing funds; people would give to this good cause, but they did not like constantly giving. In regard to supervision by the police, no magistrate at petty sessions could order it, but it was always ordered by the judges or recorder. There were several ways of carrying out this supervision. It might be done in a simple manner, or the very reverse. He thought it was right to continue the system of police supervision, but it would be well to employ a person specially on behalf of the society in any town. It was only the hardened criminal who was under supervision. The employment of the police, he thought, was one of those points which, under present circumstances, could scarcely be disturbed. A man might feel annoyed and irritated at having to report that he was in a particular locality, but that was only the man who was indifferent as to his situation; the man who wished to lead an honest life had no desire that the police should not know where he was. If a man were not under supervision he might relapse into crime. Sometimes a man got a situation, but was so

taunted by his fellow-workmen that he had to leave and had great difficulty in getting another situation, but if he knew that there was an aid society he knew that he could go to the agent and be sympathised with and helped to another situation. There was nothing so important as finding out the best way of ameliorating the condition of criminals, destroying temptation, and endeavouring as far as possible to eradicate the germs of crime. In large towns the temptations to crime were much greater than many people knew. It was constantly the case that the man who was a thief knew well where to dispose of the articles stolen. A receiver coming before the magistrate was treated ten times more severely than the thief. If there were no receivers there would be no thieves. If we could destroy the receiving houses, we should get rid of the greater part of the crime in the country.

Mr. W. Gernon (Dublin) was happy to say that the board of which he had the honour of being secretary—the Commissioners of Charitable Donations—had given a practical proof of their appreciation of these societies. A sum of money had been left in their hands for the relief of poor debtors. The board, after careful consideration, had come to the conclusion that the best plan of using it would be to give it in aid of prisoners on their coming out of prison. At that time there was no society which had taken advantage of the Act, and so an order was made by which the Prisons Board should get these sums and give them in aid of the prisoners. Then Lady O'Hagan formed a Prisoners' Aid Society, and, having done so, applied to the board for a portion of the money. A calculation was made as to the number of Roman Catholic prisoners, and he was sorry to say that they were in the majority. The judges had said that 95 per cent. of those at the bar in Ireland were Roman Catholics. On that calculation the distribution was made.

Mr. Charles Thompson (Manchester) said it might not be for the best to employ the police for the purposes of the society. When we considered the class from which police officers were drawn, we might reasonably suppose that they would be led to act under the influence of prejudice. On one occasion, in his police court, a man was charged, and the charge was set aside. Some time afterwards he applied for a summons against a person, and an officer cautioned him (the speaker) that the applicant had been convicted of felony. If superior officers in courts of justice could keep alive the fact that a man had been charged, although unjustly, it was not wonderful that justice sometimes was frustrated. It had been suggested that the officer of the district should be a superior officer, and not appear as a police officer, although he would have some knowledge of the characters with whom he might have to deal. He could not get over his idea that aid societies should maintain their independence of all police connection.

The Rev. James Stephenson (Dublin) said an association of the kind had been in existence years ago, before the aid societies were formed. He referred to the Dublin Prison Mission, and he was sorry that no account of its work had been prepared for this section. It had done an enormous amount of earnest and successful work among the female short-sentenced in the city. He had not previously great faith

in police supervision as a reforming agency, but he had in the moral supervision of the members of such societies as were under discussion. If they had societies formed of philanthropic, charitable, Christian men and women, to whom the supervision of these criminals could be entrusted, he had the greatest faith in the effect of the operations of this kind, and more and more the work of these societies would be found to depend upon this moral supervision. There was one direction in particular in which they might work—that was emigration. They all knew the restrictions in Government arrangements for emigration, and one of the questions asked before a person could emigrate was, 'Have you ever been in prison?' It might so happen that some poor girl who had been sentenced to a short term of imprisonment years ago for some slight offence, had got into the hands of friends who found her a situation, and she lived honestly and respectably for years, and wished to emigrate. Of course she answered 'Yes' to that question, and was refused the Government help. If, in such a case, it was certified by an aid society that she had lived respectably and done well, she might then be allowed the benefit of free emigration. He thought it devolved on the Government to see to the formation of such societies in the colonies to take the prisoners in hand on their arriving there. There was the greatest reluctance in the colonies to receiving anything in the shape of prisoners. He was glad to hear of the formation of the aid society for Roman Catholics. And when the Prison Gate Mission was refused registration, he was happy to be the agent in forming a Prisoners' Aid Society for Protestant Discharged Prisoners, male and female. This society was now registered. And he expected good from the operations of the two societies. At the same time it seemed to him a pity that we were compelled to institute distinctions of this kind when the great fact they had to deal with was the saving from crime those who in reality had no religion. They were men and women, and they wanted to be lifted up out of the miry clay by some one, no matter who he was. If he saw a man down, was he to stop and ask whether he was a Roman Catholic or a Protestant before he helped him? His conscience was insulted by such a suggestion. The Prison Gate Mission, Dublin, had passed 3,000 criminal females through their hands, of whom about 200 had been provided for. They had been provided with situations, sent to the colonies, returned to their friends, or put into institutions. When the ladies waited at the prison gate they did not ask whether the girl was of one religion or another, but, 'Will you accept the hand of friendship; will you turn from your evil ways, and keep away from your evil companions? We will do all we can for you, and give you honest work and pay you a little.' In some cases the ladies had taken the girls into their own service as domestic servants, and some of them were now employed in Dublin. And while the greatest moral reformation had been accomplished, anything bordering on proselytism had been scrupulously avoided.

The Hon. the Recorder of Dublin said he had adjourned his court in order to attend this meeting, not to speak at it, but to obtain information on the subject of greatest difficulty with which the criminal judges in Dublin had to deal, viz. the immense proportion of habitual

criminals with whom the reformatory system of our prisons had no practical reforming effect. As the Prison Gate Mission had been mentioned, he took the opportunity to say a word respecting a misconception to which he had been subjected. He had taken the chair at the first public meeting of that agency, and more than once since; with some hesitation lest his support of a work managed by pressure of his own branch of the Christian Church might be misunderstood by his Roman Catholic fellow-subjects, but he had then stated explicitly as he now did, that any support which he could give was rendered simply because it was one of the only Prisoners' Aid Societies in the city, and one undertaking a work most sorely needed, and that on the very same ground he should have felt it his duty to support a Roman Catholic organisation having similar objects, should his inconsiderable aid be asked for it. As to the need of agencies in Dublin for dealing with discharged prisoners with the view of raising them from lives of crime, he might state that last year the crime in Dublin was equal to that in the whole of the rest of Ireland, including the cities. This year the proportion had fallen, owing to the increase in rural crime, but still we were debited in Dublin with one-third of the offences of the entire island. As to habitual criminality, the Judges at the Commission and the Recorder had frequently to deal with such a case as this: a person whose years were still not more than thirty to thirty-five, who had passed already eighteen of these in prison—beginning in childhood with five years in a reformatory, followed successively by sentences of one year, five years, and seven years as the gaol records at each recurring trial showed the habituality of crime. Why was this? The man had been each time discharged to the scenes of his former criminality, amongst his old associates, with everything to make a return to evil easy, and a persistence in well-doing difficult; thus real reformation was next to impossible. The Congress programme proposed, as one of the special subjects for discussion, the advisability of confining an habitual prisoner to prison *until he should become reformed.* This reminded him of a schoolfellow in the old time, whose mother enjoined him not to go into the water till he knew how to swim. In gaol there is an enforced respectability, a reformation more or less real; he did not believe that the prisoners, who told the governor or prison chaplain they were reformed, and who appeared to be so, were necessarily hypocrites; the real question was, Would the reformation stand the test of a discharge into the streets? Would this man or woman sink or swim when discharged upon the sea of life without the moral corks of enforced punctuality, enforced industry, enforced sobriety and cleanliness? Too often the evil spirit seems to have gone out of the man, his inner nature seems empty, swept, and garnished, he goes about seeking rest and finds none; at last he takes to himself seven devils more wicked than himself, and his last state is worse than the first. The recurrence of such cases had led him, the Recorder, long since to regard a return to some system of deportation as most to be wished for. Transportation, or the deportation to penal settlements, had been practically abolished, owing almost entirely to the susceptibilities of the Colonies; but the Committees of the Lords and Commons of 1856 and 1857, whose reports were

the immediate precursor of the Penal Servitude Acts, both, strangely enough, strongly advocated the retention of transportation as the very best system both of deterrence and reformation. But whilst a return to this as previously existing may be impossible, is it impossible to devise some methods whereby, through the mutual action of the Secretary for the colonies, the colonial Governors and prison authorities, and the Home prison authorities, and Prisoners' Aid Societies, the colonial fields so needing human habitants may again be made productive for the labour and true reformation of our criminals? Could not the industrial education in our prisons at home be conducted with a view to the deportation to the colonies of such as might prove fitting for and worthy of it? If, instead of putting the men to treadmill, shot drill, or other absurd and unproductive labour, or on the other hand to trades in which they would compete with honest artisans, they were turned to things which would make them useful and welcome in the colonies, such a system as he foreshadowed might not be so impracticable; road making, bridge building, the mending of agricultural implements for the men, whilst the women should be taught to be farm servants, and to manage a dairy and kitchen garden, and other things which would make them also acceptable to the settlers. He would wish to mention one or two specimens from the evidence before the Parliamentary Committees in 1856–57. Mr. Marsh, a gentleman of large estate in Australia, a witness before the Lords' Committee, said: 'After the compromise we feel bound in honour to oppose transportation; at the same time, as an abstract question I think there is nothing so desirable as convict labour, particularly the assignment system, if it were properly managed.' Mr. Howell, a magistrate of New South Wales, speaking of urban convicts from the old country, told the Lords emphatically, 'They were the best description of labourers that we had; what was termed "an old hand" was worth two freemen who had just come to the colony. I have found a London pickpocket as useful a man as any that we have had; his intellect is sharpened, and it is astonishing how he adapts himself to circumstances.' In 1806 the Recorder of Dublin had sentenced a woman to transportation. She took her child with her, and seventy years after the child died a millionaire. He had rather got a lecture for not more frequently sentencing prisoners to this new system of police supervision. That system might work well in England at present, and might also work in Ireland when the supplemental scheme which Mr. Crofton had foreshadowed was introduced, but at present police supervision was useless for this reason. It was suggested that the police should get situations for these people. The avenues of labour were now overcharged, and the employment of a criminal would be laughed at if proposed at a time when even honest people of good character were often unable to obtain work. He heartily sympathised with the Papers. In his opinion there was no more noble work than that of bringing back a fallen human being to the paths of honesty and the right.

The CHAIRMAN (Dr. Mouat) said no one could more cordially acknowledge the value of Prisoners' Aid Societies than he did. He did not know much about their working, but had been himself a Prisoners' Aid

Society in the great city in which he had lived, and had probably given more aid to discharged prisoners than any other person. An officer of the prison there, who never forgot a face, said that out of one hundred who went to the prison only ten returned. A man would often object to police supervision who would not object to supervision by a society.

Mr. CROFTON (Dublin) said he would like to refer to the question of Battery House, Winchester. If Dr. Barnardo would write to the superintendent he would find that the women were employed as domestic servants. Evidence had been taken on the subject of police supervision, and thirteen out of sixteen Aid Societies' agents expressed themselves in favour of it. If a man or a woman were punished for crime more than once, on the subsequent occasions they should not be punished, as seemed to be recommended by the Recorder, for the value of the article stolen, which might be small, but for the persistence in crime. If a country could be found which would accept our criminal population—

The CHAIRMAN said he knew a country where they could send them for the next fifteen years where there would be no objection.

The RECORDER: The Committees of Lords and Commons both supported the continuance of the system.

Mr. CROFTON said if the habitual crime of Dublin was so great, it was evidence that the Recorder had failed, and it was worth while considering if the system in vogue in Gloucestershire should not now be given a fair trial.

Mr. MURRAY BROWNE (Chester), after expressing in strong terms his regret that he was precluded from replying to the speech of the Recorder, from which he totally dissented, said that if it were true as alleged that police hunted prisoners down in a reckless way the aid societies would surely hear of it. Instead of this being the case he could scarcely recall a case of complaint by an ex-prisoner that the police were hard on him. He had, however, known many cases in which the police had voluntarily given a great deal of help to ex-prisoners. In the force there were many kind-hearted men ready and willing to help the prisoners when they came out. As to the supervision of ex-prisoners, it would of course be delegated not to the first constable they would come across, but to selected men fit for the work. Dr. Barnardo seemed to think it was almost impossible to get work for ex-prisoners, because employers of labour were not philanthropists. In practice, however, work was found for ex-prisoners, not because employers of labour were philanthropists, but because they were men of business, who took men who could do the kind of work which was wanted without special regard to their moral character (except in cases of special trust). Sometimes, too, ex-prisoners were willing to work a little cheaper than others. English experience undoubtedly was that, as a rule, work could be found for men who were able and willing to do it. As to fear of proselytising few things would surprise him more than to hear of an Aid Society attempting to proselytise prisoners applying to it. In Liverpool, for example, there was no man to whom he looked for help more than to the Roman Catholic chaplain, Father Nugent—as noble a man as any in the city. Mr. Murray Browne then

made an earnest appeal to those present, and to the inhabitants of Dublin generally, to start a Prisoners' Aid Society there. If the religious difficulty could be got over in no other way, let them have two societies, one for each persuasion. It was admitted that the amount of crime in Dublin was monstrous, and, however they might differ upon other points, they were all agreed as to the value of aid societies. Personally he should be happy to help in such a work in any way he could; but he was not a Dublin man. Would no one put his shoulder to the wheel?

INDETERMINATE SENTENCES.

Is it desirable that Persons convicted of serious Offences, instead of being sentenced to Confinement for definite Periods, should remain in Prison until reformed? By Professor FRANCIS WAYLAND, of New Haven, Connecticut, President of the American Social Science Association.

THE theory of 'intermediate sentences,' as distinguished from 'time sentences,' is carried into effect at the State Reformatory at Elmira, New York, where persons between the ages of sixteen and thirty, convicted of felony (their first offence), are confined for *treatment.* As persons mentally diseased are restrained until their sanity is restored; as persons physically diseased are detained in a hospital until they are cured; in like manner (it is argued) persons who are criminally diseased should be confined until they are morally reformed. And as this principle does not apply to those who are chronically insane or diseased, so it should not apply to chronic criminals. Therefore, as we have said, the treatment at the Reformatory is limited to those who have been convicted of a first offence.

The prisoner, when brought to the Reformatory, is submitted to a long and searching examination at the hands of the superintendent, with a view to ascertaining his antecedents, so far as they bear upon his ancestry, parentage, education, habits, associates, temperament, tendencies, moral history, &c. The truth of his answers is always tested by competent and trustworthy witnesses.

The new comer at once enters the second or 'neutral' grade. This is a probationary state, in which the prisoner has an opportunity to establish his character. The cells for this grade are large, plainly furnished, and comfortable. No prison garb is worn. Good food is served in a common dining-room, where twelve are seated at a table, and where, under the inspection of prison officials, the strictest decorum is maintained. For

about ten hours daily the prisoners labour together in large workshops, the industries being mainly brushmaking and hollow-ware casting. A considerable force is also detailed for cooking, washing, cobbling, tailoring, &c.

During five evenings of each week all the prisoners assemble in the schoolroom for instruction, which is given by several selected teachers. Not unfrequently they listen to a lecture on some subject of scientific, or moral, or social interest. There are also Sabbath services, of course undenominational, conducted by some clergyman residing in the town.

Each prisoner of the second class receives marks—1st, for deportment; 2nd, for industry while at work; 3rd, for proficiency in study. If, during six consecutive months, he has obtained the best marks in these three departments, he is promoted to the first class.

Members of this grade are clothed in a neat uniform; are placed in large, well-lighted, and cheerful rooms; take their meals in an apartment by themselves, having the same fare which is given to subordinate officials; have (within the walls) increased freedom of speech and movement, and are employed as clerks, book-keepers, turnkeys, instructors, &c.

If, however, prisoners of the second class violate prison regulations, thus showing vicious inclinations, or habits of wilful disobedience, they are degraded to the third class. Those who become members of this 'convict' grade are strictly separated from those of the first and second class; eat in their cells, which are scantily furnished (without any of the comforts which are accorded to the second class), and, generally, are subjected to the ordinary discipline of a prison. Only uniformly good marks, in the three departments already mentioned, for six consecutive months, will entitle members of third class to be restored to the second class; and then, as before, a satisfactory probation of six months is necessary before they can be admitted to the first class.

It should be added, that the same rule is applied to those members of the first class who fail to maintain the required marks in the three departments.

For serious misconduct, the extreme punishment is the solitary cell with a diet of bread and water. Flogging is prohibited.

Meanwhile the treatment of each prisoner is individual. He is visited at stated times in his cell by the accomplished superintendent[1] (who has been engaged for thirty years in the

[1] Z. R. Brockway, Esq.

work of prison discipline and reform), and receives such counsel, warning, instruction, reproof, encouragement, as the circumstances of his particular case seem to require. This individual treatment is, of course, based largely on what has been already ascertained as to the antecedents of the prisoner, as well as his conduct during confinement. Twice in each year the Reformatory receives an official visit from the members of a non-partisan board of commissioners appointed by the Governor of the State, and selected for their intelligence, experience in dealing with the criminal class, and active interest in all matters connected with prison reform. To these commissioners is entrusted the power of determining what inmates of the Reformatory are fairly entitled to enlargement on parole, to conditional discharge, or to pardon. Of course they consider only the cases of members of the first class. Their decision takes into account a thorough and close personal examination of the prisoner, and a careful consideration of his record during confinement. The Superintendent is not a member of the Board of Commissioners, but great importance is justly attached to his opinion in each case.

It should be said that, by law, the minimum duration of imprisonment is twelve months, and that no prisoner can be confined in the Reformatory beyond the *maximum* term fixed by Statute for the offence of which he has been convicted.

The system of 'Indeterminate Sentences' has been in operation but a few years—only four, I believe—and it may be too soon to pronounce it an unequivocal success. Certainly, in the opinion of the superintendent and of the Board of Commissioners, it has thus far more than justified all their hopes. Moreover, a visit to the Reformatory, and a painstaking examination of the plan in all its details, have converted many avowed enemies into ardent advocates, and confirmed the most sanguine anticipations of its friends.

NOTE.—The New York Reformatory is arranged for the reception of about five hundred inmates. A larger number cannot, in the judgment of the superintendent, be adequately cared for in a single institution of this kind. It is believed that in a few years it will be self-supporting.

On the Same.

(*The Reformatory School System applicable to Adult Criminals.*)

By A. Herbert Safford, Chief Clerk of the Westminster Police Court.

THE Inspector of Reformatory Schools in his last report says: 'It has been generally felt that the time has arrived when the experiences of the last twenty-five years should be utilised.' Influenced by this feeling, many members of this Association waited with eagerness for the promised paper from the President of the Social Science Association of America upon the experiences of the State of New York in its bold endeavour to treat adult felons under the age of thirty, and on their first conviction, by simple reformatory treatment, and upon the system of indeterminate sentences. Having been requested by the committee of this department, I have also undertaken the somewhat difficult task of enlisting your consideration, and begging your discussion of some points of advance in the treatment and reformation of prisoners in which I must of necessity quote largely from the writings of others.

In advocating, as I am about to do, a further relaxation of the severity of punishment, I cannot but advert to the fact, that as countries advance in civilisation so the rigour of their laws is softened. The advance in this country was slow. Beginning with the benefit of clergy at first granted to peers, women, and all persons only who were able to read and write, it was not till the time of Queen Anne that this alleviation of our Draconic laws was extended to all. Gradually during the eighteenth century projects were brought forward to improve the condition of the prisoners. In 1778 an Act was passed to provide penitentiaries to be visited by commissioners who had power to reward diligent and meritorious prisoners by giving them a part of their earnings; but the time was not ripe, and this beneficial Act was never carried into execution. It was not till the latter part of the eighteenth century that such punishments as branding, burning alive, slitting of nostrils, and the like were removed from our statutes. In the early part of this century the death penalty was swept away for numerous offences, as a sample of which we may take the 'breaking down the head of a fish pond whereby fish may be lost.' It was about this time that the nation first began to understand, in the words of Colquhoun, that 'crimes are not to be diminished by the dread of punishment in any shape. This great desideratum

is only to be attained by a well-regulated police calculated to destroy the sources from whence evil propensities spring, and to remove the facilities by which criminality is nourished and assisted,' and that, in short, it was better to prevent crimes than punish them. Next transportation was abolished, and this was followed by the improvement of our convict establishments.

In the year 1854, after considerable difficulties had been surmounted, and thanks, I believe, to the unwearying energy of Mr. Barwick Baker and the late Miss Mary Carpenter, the reformatory schools were legalised.

In 1856, when I was first appointed, I found that many magistrates considered the reformatory system a very doubtful experiment. At that time in one of the eleven courts of the metropolis, it was a common thing for batches of three or four children under the age of sixteen years to be brought up for picking, or attempting to pick, pockets. I have seen twelve or fifteen such children so charged in one day. There were then professional trainers of young thieves. Now, partly owing as I believe to the milder treatment of young offenders, and quite as much to the able administration of the Elementary Education Acts, juvenile pickpockets are almost unknown, and the professional trainer cannot be found. I believe that it is now time to extend similar provisions to adults.

In the very remarkable paper read by Mr. Z. R. Brockway, Superintendent of the Elmira Reformatory Prison of New York, before the American Social Science Association in 1880, Criminals are divided into classes:—

'1. Those who, from infirm physical constitution, or weak mind, or impotent moral faculties, become mendicants, and live by such occupations as tend to engage them in affrays and serious violations of law either as principals or participants.

'2. Those who are usually industrious but are engaged in such pursuits for a living, menial or otherwise, as yields a bare subsistence, leaving for them only the coarser sensual indulgences to relieve at all the drudgery of their lives.

'3. Those who, for living with such excitements as they desire, deliberately pursue a vicious course until they are caught, and compelled to desist by the constraints of custody.'

Now, the greater number of such offenders have only had the hard side of life, and when it is remembered how a touch of kindliness of manner will affect even the most depraved criminal, may we not hope that a reformatory and kindly treatment may have as good an effect on adults as it has had with juvenile offenders? I am influenced by no mere sentiment: my experience of twenty-five years constantly among the criminal

classes will acquit me of that; and I entirely concur with Captain Maconochie, 'that a criminal should be treated by law as a man is dealt with by society who from his indolence, prodigality, or imprudence has fallen into adversity. He is left to work his way out of the unhappy position in which he has placed himself; and thus should a criminal be left to struggle; only that as his misconduct is graver than that of the indolent and the prodigal, so must his adversity be more profound, and his sufferings, for his own sake and that of the community, be more severe.

But, the present mode of punishment by short imprisonments with scanty food for the first offences, and with hard labour of a nature which (being productive of good neither to the criminal nor to the nation) must appear to the offender as vindictive, has none of these essentials. The labour imposed should be productive. Labour and reform generally go hand in hand, and it is upon this principle that America has experimented with success in the treatment of prisoners on their first conviction, and under the age of thirty years. How the work has been done, and how well, the following extract from Mr. Brockway's valuable paper will show:—

'Our own State,' says Mr. Brockway, 'having in 1877 enacted a law relating to the Elmira Reformatory, which, though imposing indefinite rather than indeterminate sentences, still embodies the principle of the full idea, I am able to speak of the value of the system as a disciplinary and reformative agent (for only the brief period of the law of course), but, nevertheless, from administering it, and after an observation of its practical effects.

'The law gives discretionary power to courts of record to commit to the reformatory—instead of the State prisons—young felons, *first offenders*, who are between the ages of sixteen and thirty years; the court not to fix or determine the period of imprisonment. The managers of the reformatory may release at any date not beyond the expiration of the maximum term for which the prisoner might have been sent to the State prison. The managers have power during the period of legal custody to conditionally release, and in case of a violation of the conditions of release, to re-arrest and return to the confines of the reformatory. The managers are required to adopt a "mark system," showing the progress or absence of it in each man. They must make a quarterly record of this, and a semi-annual statement of it to the Secretary of State. They must meet at least twice a year to see personally the men, and decide upon the parole or release of any. The probable influence

of this plan upon reformation may be more apparent when it is known that 82 per cent. of the inmates of the reformatory have pleaded guilty before the courts, and that (under the law) they are conveyed from the place of conviction to the place of confinement by an officer of the prison selected for that purpose.

'Upon the arrival of an inmate at Elmira, always under charge of the transfer officer of the reformatory, and after a night's rest, he is photographed, and, at the convenience of the superintendent, is subjected to a long, searching, and instructive examination.

'The enquiry covers a large field—the family, the ancestors, the occupation of the parents, their habits, the habits of the prisoner, his literacy or the reverse, his own habits as to occupation, industry, regularity of performance and residence, his physical health and its grade of quality as among men, the natural capabilities of his mind, and present education or undevelopment, and, so far as may be, his moral state. Upon this examination an estimate is made, and a plan of discipline or treatment prescribed. The new comer is instructed as to the plan of the institution, and the best way of availing himself of its benefits. After a bath and a surgical inspection he is clothed and assigned to work, according to the indications of the special case. He is now classed in the second or neutral grade of inmates. By any misdemeanour he may fall into the third or convict grade; or, by cheerful good behaviour through six continuous months, he is entitled to promotion to the first grade. This second or neutral grade exhibits nothing of the convict character: no hair-cropping, no lock-step marching. It is a probationary grade; in it the new-comer makes a reputation. He may fall, he may rise. In the third or convict grade, the discipline is substantially that of an ordinary State prison. Strict separation from the upper grades at marching, meals, assemblies, and at night, shaving, enforced lock-step marches, and silence. In the first grade the privileges are but little less than those enjoyed by cadets in a military school. Good rooms, good dietary and table furniture, freedom of touch and motion, and, by-and-by, parole enlargement or conditional discharge. The estimate by which these pupils rise or fall, gain or lose standing, is threefold: (1) deportment; (2) industrial proficiency; (3) literary or intellectual growth. An account is kept in the office books, and every inmate has his own pass-book, which (as in banks) is written up for his information once a month.

'The industries are chiefly brush-making and hollow-ware castings, and fitting, tinning, and enamelling iron. There is no

letting of labour to contractors—of course the domestic work of the institution. Cooking, washing, tailoring, cobbling, &c., is performed by quite a company of the regular inmates, and quite a number are engaged in duties semi-official, as subalterns having to do with the routine and government of the establishment.

'The school is organised and graded by a crop of approved teachers, selected from the schools of Elmira, and a course of scientific instruction by lectures is maintained. The school-rooms, and especially the large lecture-room, are bright and very attractive. Instruction is given by nine selected teachers. Proficiency in study is ascertained by monthly written examinations, and upon it depends in some degree the duration of the inmate's detention. This motive serves to arouse the dullest intellect. Complaints of inaccuracy or injustice are freely and cheerfully listened to by the superintendent, an appeal from his decisions may be taken to the managers, and in extreme cases the question and the evidence are heard by a jury of first grade prisoners who find a verdict. Enlargement on parole is ordered, or authorised, by the managers at their quarterly meetings. A very comfortable hospital is provided for the sick. The hospital beds are for the most part unoccupied, and the death-rate is extremely small. Religious ministration is provided by the lecturer for Protestants, and for Catholics, by clergymen resident in Elmira. The prisoners do not show the dogged, sullen, driven look sometimes met in the penitentiaries. They work with a will under the stimulus of the natural, healthy motive, something to gain. The first offender entering here is at once put upon a course calculated to conserve his self-respect, cultivate his self-control, industrial efficiency and intellectual growth. Passing through the grades with a gradual relaxation of restraints, he is finally tested by a period of parole, and then, when really installed in the current of healthful society and business, he receives his absolute release.

The present number of inmates (March 1881) is . .	710
Domiciled within the Reformatory	500
In legal custody, but on parole	210
Total	710

The grade status of the 500 is as follows, viz. :—

'In the neutral grade, before described, 225, or 45 per centum; and in the third or convict grade, twelve and eight-tenths per centum. The whole number released on parole has been 307, of which number 97, having performed satisfactorily for the parole period of six months or more, are absolutely

released. The remaining 210, still in legal custody, are at present situated as follows, viz.: 152 are in correspondence and doing well; 18 have ceased correspondence, one-half at least are estimated as doing well, and the other half have probably left the State; 11 have voluntarily returned sick or out of situations to be relocated by the superintendent; 2 died while on parole; 21 were brought in for violating their parole, but without crime; while 3 were brought in having been charged with crime but not convicted; 3 absconded. The average period of detention within the reformatory of those who have been paroled is nineteen months. There are no statistics showing satisfactorily the conduct of criminals released from the State prisons at the expiration of their definite sentence. It is known, however, that of those confined here on definite sentence, who were committed previous to the new law and discharged at the expiration of their term, some have since been received into the State prisons for crime, while it cannot as yet be ascertained that any of our men so paroled have been so received.

'The statistics as to the 307 released show, beyond peradventure, that society has to-day good protection against all but *twelve*—namely, the one-half of the 18 who ceased their correspondence, and the 3 who absconded. If to the present number imprisoned there be added the remaining 295, it gives 795 young felons held under restraint and training. If this system of sentence, well administered, is applied to the prisoners of a State where public sentiment is enlightened and reasonably pure, a veritable and observable preventive of crime will be had.'

I have not attempted to express any opinion upon the question of indeterminate sentences, a point upon which Mr. Brockway evidently feels strongly. It seemed to me that as in reformatories offenders can be released on licence, it was not essential to the system or to the special consideration of the subject of this Paper. One especial advantage of the Elmira regulations appears to be that the treatment is peculiar to the offender. Another is, that sentences frequently passed without a full, or indeed any, knowledge of the past history of the offender are by this system somewhat modified. It may be said in this connexion that generally a remand is granted, and that the police institute enquiries. As a rule, I find those enquiries very unsatisfactory. The ordinary constable is quite content that he has done an offender full justice when he states 'There is nothing known *against* him, your worship.' At Elmira a criminal is treated as suffering from a disease. Who would think of treating lunatics all upon one system? And

yet, in my humble judgment, crime is a species of insanity, and that in many cases a very narrow line divides crime from lunacy. We still want more of the reformatory, and less of the deterrent system in the treatment of criminals. What the deterrent system is will be best expressed in the words of Mr. May, the able Governor of the General Prison for Scotland: 'The prisoners have learnt to believe that society has from selfish and vindictive motives subjected them to cruelty and degradation in excess of what was their due, and they owe to it a debt of revenge, and therefore, when set at liberty, carry away with them a cherished hatred of their fellow-man, and the laws made for his protection. At the same time, in the convict prison, there has been produced, as in purer and more brilliant minds, scintillations of ingenuity, but of a perverted kind—it has been a college to them, to prey more voraciously than ever on society, yet set the laws at defiance.'

Reformatory schools have effected a noble change among the young criminals. Yet there has been no increase of these schools since 1864. The character of the children admitted, says the inspector, has changed for the better since the early days of the movement; and let us trust that if the experiment so successfully begun be extended, the results may be similar. In conclusion, let me apologise to the section for the haste in which this Paper has been written, and express the hope that at the next Congress our friends from America will place the matter in a far stronger light before you.

DISCUSSION.

The CHAIRMAN (Dr. Mouat) said that the Papers developed a view of the question of prison labour as a means of reformation which could not be accepted without much more experience and consideration than had yet been devoted to it. It sapped the very foundation of his belief, based on a long experience, that it was the certainty, and neither the severity nor any other condition advocated, which rendered punishments deterrent. The oldest criminals are invariably the most accomplished hypocrites, and the least frequent breakers of prison rules, with which most of them possess a perfect acquaintance; hence he had always regarded their good conduct in gaol as a thoroughly unreliable test of reformation. In all cases where repeated breaches of discipline, with or without apparent reason, showed something radically wrong in the individual, it was desirable carefully to note his mental state, congenital or acquired, and it would be found unerringly that where hereditary tendencies to mental defects existed so there was evident congenital malformation. The treatment advocated and carried out by Dr. Ashe at Dundrum would alone reclaim such unhappy beings.

This was evidently the view now taken by Sir Edmund DuCane and his associates of this all-important matter, and in the judgment of the Chairman it was the right view. He gave several illustrations from his personal experience in proof of this contention.

The Rev. Dr. ACE (Laughton) was of opinion that medical men had not paid sufficient attention to cases to decide whether they were criminals or not. He believed in the great hypocrisy of some of the prisoners, and that some of the chaplains were greatly imposed upon. In order to have that looked-for success in the classification of prisoners of that kind, it was necessary on the part of the superior officers, especially those who had to do with convicts, that they should possess great powers of discrimination of character.

Mr. TALLACK (London) said that, according to Dr. Hancock's official statistics, out of 23,000 committed last year, 5,293 had been committed over ten times. When such things as that occurred he was of opinion that very many of the sentences had failed. He did not for one advocate keeping prisoners in gaol till they were reformed. But this was a very different thing from indeterminate sentences, or sentences of restraint or supervision until reformation ensued. In his opinion the report from Elmira in America was unsatisfactory. It was evident that many of the prisoners had gone to other States, and we had no details of their cases. And about a dozen others of the Elmira men had voluntarily returned thither in the year. He did not think that prisons should be thus made attractive, because that would be doing a great injury to outside society. In Philadelphia he had visited a reformatory where he walked along carpeted passages; there were beautiful pictures in the bedrooms, and everything was most comfortable—far better than was enjoyed by many children of the honest poor or even of the middle classes. If we gave these children such indulgences, we might, with the best intentions, be fostering crime. To institute such a reward for young offenders was to put a premium on crime. His idea of indeterminate sentences was that they should have something of the character of a ticket-of-leave; that offenders should be sentenced to, say, six months' imprisonment, and be kept in peril of recommittal on misbehaviour for a period ranging over, say six or seven years; he did not mean exactly under the supervision of the police, but under something like the prisoners' aid societies. The prisoners might be let out on bail on condition that they returned to work and brought in a proportion of what they earned.

The CHAIRMAN (Dr. Mouat) quite agreed with Mr. Tallack in advocating that the prison should be rendered decidedly disagreeable to the individual, but he held that the mere infliction of physical pain was not sufficient punishment.

Mr. HASLAM (Dublin) thought that there was some stage at which offenders were incapable of reform and should be kept in perpetual confinement.

Mr. DWYER (Dublin) did not think because people were stupid they should be sat upon. He understood that any person who could not show a certain amount of literary attainment was to be put in the lower grade. Doctors did not treat their patients in that way. They

should consider themselves as scientific men treating a disease, for crime was almost synonymous with disease. He did not think that because a man was of weak form he should be treated more hardly than a man of stronger form. He was inclined to look favourably upon the American experiment, and hoped it would be carried out successfully.

The CHAIRMAN thought Mr. Dwyer did not draw a sufficient line between absence of moral sense and stupidity. It was the absence of moral sense which formed habitual criminals.

Dr. ASHE (Dundrum) thought indeterminate sentences would be most desirable, as there was a large number of the criminal population in whom no reform was possible. It was recognised by everybody that there was such a thing as moral insanity; a class of cases in which it was impossible to put your finger on any intellectual defect, but in which the moral defect was strongly marked. He believed that there was something abnormal in the brain or other part of the system which produced that condition, but that it was difficult to say what was the exact cause. At the International Medical Congress lately held in London the learned Professor Benedikt, of Vienna, exhibited the brains of criminals and pointed out a well-marked peculiarity. He pointed out the special type connected with criminality. It was to be inferred that if a person's brain were of that type he must necessarily be criminal. The mere expression of face would often be sufficient to indicate that a person was an habitual criminal or necessarily criminal. There were three great causes of habitual criminality: 1, heredity; 2, intemperance on the part of the parents of the unfortunate individual, especially if it influenced the conception of the child; and 3, illegitimacy, in which latter case the influence of strong depressing emotions on the mother's part might be supposed to have a marked influence on the child. When such a prisoner was released he lost all the good he had got from the prison discipline. If he were sent abroad by an aid society there was the danger, in the interval between his discharge and going abroad, of his transmitting his hereditary defects. He thought it would be expedient to a certain extent to resort to transportation to prevent that. That is to say transportation not to any of our colonies, but to a criminal settlement established on some small island within our own waters, such as Lundy Island, Rathlin Island, &c., where there would be sufficient area to allow of agricultural employment of the convicts, so that the institution might, if possible, become self-supporting; indoor artisans' work being also carried on, and the inmates being, to a certain extent, paid for their labour. When a man should be banished for life to such a settlement he ought to be considered no longer punishable for his crime, but should be allowed to enter it with a clean bill of health, and be punishable only for offences against discipline, &c., committed in the institution itself. Rewards should be given to help the men upwards in the path of moral self-restraint. The rewards should contribute to the man's enjoyment and not to the accumulation of money, which would be of no use to him, as he would never leave the institution again. He should be regarded as morally sick. Unless they got firmly into their minds the somatic condition of moral sickness, they would not see what he meant.

He believed that the habit of acting rightly under the influences of such an institution would at last develop into a habit of acting rightly for the sake of right.

Mr. MURRAY BROWNE (Chester) then made a few observations, expressing the need of guarding against a too sentimental treatment of criminals. He did not deny the existence of a class of criminals such as mentioned by previous speakers, hovering on the border-line between insanity and a sound mind; but it must not be forgotten that the great bulk of criminals were of a different description.

The CHAIRMAN was of opinion that if Mr. Murray Browne based his conclusions upon the arguments advanced in the Papers and the discussion, he could not have followed them very closely. It was impossible to examine the children carefully in these institutions, as he had done many times and on a considerable scale, without being painfully impressed with the conviction that there was a close connection between congenital malformation and a defective moral sense in the offspring of the criminal and vicious classes. The type was well marked, and easily recognised by those who had studied the subject, and were possessed of the knowledge necessary to identify it. The worst criminals with whom the prison authorities had to deal could only be reclaimed by such measures as those adopted by Dr. Ashe. Ordinary methods of enforcing discipline could never make moral and responsible beings of them; they only became more brutalised and intractable by measures of repression. The habitual criminals of the country have been numbered by thousands, and in their treatment it was of the utmost consequence to distinguish between those who were really responsible for their acts and those who from congenital defective organisation were not so—a direction in which the Prison Commissioners have been working well and successfully.

MISCELLANEOUS.

Sir JOHN LENTAIGNE, C.B., read a Paper on 'The Treatment and Punishment of Young Offenders,' in which he instanced the evil, and even fatal results, which he has known to follow the imprisonment of young children in common gaols, both those in which the children are kept in association, and others in which strict cellular separation is enforced. He considers that the treatment of all young offenders of tender age should be in probationary reformatory institutions, under earnest and devoted teachers specially selected for the work, where under a strict but paternal discipline, carried out without apparent restraint, but always under the eye of their instructors, the children will become subject to the influences which can be brought to bear on their thoughts and actions, so that good habits may be contracted, which when fixed will go far to counteract hereditary or acquired tendencies towards

vice. Sir John believes that under judicious treatment young offenders can thus be trained to obedience, honour, honesty, and industry, as easily as a young tree can be bent to any desired form. His experience has proved that boys who offend in ordinary industrial schools are those who have been familiarised with crime at an early age before they could distinguish good from evil, and have thus received impressions which are most difficult to eradicate without special training.

To carry out this object the Chief Secretary has, on Sir John's recommendation, certified, as an experiment, a probationary industrial school, at Kilmore, county Dublin, for Roman Catholic boys under twelve years of age, whence on reaching that age they can be transferred to an ordinary industrial school. The institution to serve as a moral infirmary in which young children of the criminal class can be placed before they are allowed to mix with the inmates of ordinary industrial schools. By the establishment of such institutions the imprisonment of young children in common gaols might be abolished, and no child under twelve years of age need be sent to a reformatory. When from the nature of the case a child must be placed in confinement he can be sent to a probationary industrial school, and afterwards pardoned, should the Chief Secretary think fit.

The probationary industrial school at Kilmore is under the management of Christian Brothers. Into it children committed under the 13th section of the Irish Act will pass direct from courts of justice without the stigma of a gaol or a reformatory, and being restricted to the companionship of boys of their own age, will, without further contamination, and after sufficient training, be safely associated with innocent children.

Sir John deprecates corporal punishment being awarded to children by courts of justice for trifling offences, but he does not object to parental correction of unmanageable children, as we are taught 'He that spareth the rod hateth his son;' but if the parent does not do his duty, the Executive should interfere.

Under the English Industrial Schools Act parents can send children whom they cannot control to an industrial school. Were such the law in Ireland, and the father made to pay the entire cost of the maintenance of his son in the probationary school, he would be more careful to keep his child under proper control and discipline at home. The parent might, however, be permitted to take back his child, on giving bail in a penal sum for his good conduct in future.

Sir John strongly asserts that it is, above all, our first and

paramount duty to form the moral character and habits of young children at an age when hereditary tendencies to evil can be eradicated, and new habits and modes of action established, which become a second nature, shape the character, and guide the future conduct of the man. He shows how when the blood and tissues of the child are poisoned by hereditary alcoholism the powers of self-control over the emotional passions are weakened in proportion as the depraved blood takes possession of the brain, and such child is unable to resist evil impulses. Unless, therefore, the circulation be freed from hereditary disease, the brain cannot be fully nourished, and developed to rightly exercise its functions. He points out, that the neglect of this training has been the cause of immense evil to Ireland. Thirty years ago, before the Irish convict system was established, or Irish reformatory and industrial schools were certified, the condition of the vagrant and criminal children of this country, especially young females, was worse than that in any other part of the United Kingdom.

During four years ending in 1852, 63,332 young offenders, vagrants and criminals (5,141 under ten years of age), were arrested in the city of Dublin alone by the police and committed to gaol. Larceny as well as vagrancy then so enormously prevailed among the female population, that, during the years 1850–51–52, 5,989 young girls were committed to the Dublin female prison at Grangegorman for the most part for vagrancy and larceny, the starving mothers having taught their children to steal. In 1851 there were 5,324 females committed for larceny alone in Ireland, very nearly equal, as was stated before the Parliamentary Committee in 1852, to the total number of committals of females in England in that year for every species of offence.

In 1852, 1,878 female children under fifteen years were committed to the Grangegorman prison, Dublin, under the Vagrant Act, and the female beggars in that gaol during the year numbered 7,490 individuals.

In 1853, 4,539 females were convicted of larceny in Ireland, and the tables published for the year ending April 1, 1881, show that the number of convictions for larceny by females during the period was only 563.

During the last three years 151 girls were discharged from reformatory schools in Ireland, of these only seven were reconvicted, and but two for larceny.

Thus, within a short period, a vice which was fearfully increasing, through the poverty of the country, has been almost eradicated. And Sir John expresses a hope that, by foster-

ing industrial schools, honesty and industry may become the characteristics of the lower classes in the country.

He advocates instruction in technical knowledge, insists on the importance of the children being taught skilled labour, recommends the use of machinery in the schools, and is of opinion that the managers of the schools should receive payment by results for scholastic and technical teaching.

A Paper, with the title 'How to Aid Discharged Juvenile Offenders,' was read by Mr. ARTHUR J. S. MADDISON, Secretary of the Reformatory and Refuge Union, London. The Paper points out the difficulty of effectually aiding children under sixteen after they have been sent to prison. Out of 7,784 such children committed in 1880 only 1,950 were sent to reformatories, some were voluntarily sent to sea, and a few were placed in a voluntary industrial school. But a large number could not be assisted. The establishment of a training ship and also an industrial home for boys and one for girls that should receive children discharged from prison and also those discharged from reformatory schools as 'incorrigible,' is advocated. Amongst the best means referred to of assisting children who are discharged from reformatory and industrial schools are girls' friendly societies, homes for working boys, emigration agencies in connection with the schools, and sailor boys' homes. The return of the children to their parents at the termination of the period of detention in the schools is proved to be one of the chief hindrances to the well-doing of the children. It is regarded as discouraging in requiring the managers of reformatories to report upon the children three years after discharge, and to withhold the authority to bring back the children known to be running headlong into danger and ruin.

The following contribution from Lord NORTON, K.C.M.G., on 'The Present Position of Reformatory and Industrial Schools,' was read in this section: My object is to consolidate all the Acts relating to the subject, and in doing so to separate the punishment of criminal children from their general education, and to treat reformatory and industrial schools as one provision for the education of homeless and neglected children, whether having been convicted of a crime and punished or coming under the category of subjects for industrial schools. The only distinction should be that of schools for older and younger children. All seem to agree that the utterly vicious and criminal class of children, the fruit of our national neglect, which called first for reformatories, no longer exists as a class,

and individually there are fewer and fewer such children in any locality; so that a call of them from all reformatories would not furnish enough for separate treatment in two or three schools. Mr. Baker, of Hardwicke, writes in a recent circular, quoting Mr. Sydney Turner, 'Reformatories having done their chief work of nearly annihilating the frequent repetitions of juvenile crime, the numbers would decrease.' But to keep up our present reformatories, each with a few only of the more vicious children, and filling them up with the younger and less vicious, would be directly subversive of the only reason for such distinctive schools—namely, that of separate treatment. Let there, then, be a few industrial schools specially filled with the older and worst of these children; still, they should be industrial schools, and not even in name distinguished as reformatories, implying a distinctively penal or criminal institution. It is a most dangerous mistake to bring up children through all their childhood as a criminal class. The great danger is not so much the impediment to their future employment as the impression it must give the children themselves of their own condition and position. We have discovered the danger of bringing up children in workhouses—turning them out in life as conscious paupers; can we not see the far greater danger of bringing up, in a long course of special education, a class separately distinguished as criminal? It only duplicates the danger that the education is more elaborate and costly than any of the working class can get for themselves. If a child by neglect and crime becomes amenable to public punishment and thrown on the public for education, at least in common sense let the punishment be one thing, and the subsequent education as totally disconnected from it in place and name as possible. Sir Stafford Northcote well says, in reply to Mr. Baker's recent circular of questions, 'It is essential to the idea of a reformatory that the committal to it should not itself be the punishment. It should be the first step in the child's new life. Punishment for an old offence should be got over before and be out of his way.' The child should enter school with new thoughts of life and of himself, and not with the shadowy prospect before him of five years' education in sustained connection with his offence.

The punishment for an offence, also, should be specific to the offence and connected with it. All are agreed not to put children in prisons, for the very reason that a mode of punishment so unsuitable to a child must break down what may remain, even in the most neglected and depraved, of that sense of shame which God has put, as natural guardianship, in every

breast. I hope Sir William Harcourt intends some legislation within this session for better punishment of criminal children, and that it will, besides calling for more security from parents for their children's conduct, relegate all actual punishment to some such places as the lock-up connected with every petty sessions properly adapted, and totally disconnect it from subsequent education.

A penal school is, happily, an impossibility, as it would be a fatal blunder were it possible. You cannot treat a child correctionally during all his childhood, and there is practically no difference, and there can be none, between the treatment of children for several years in reformatory and industrial schools. Both are alike places of industrial training. In educational theory there may be the difference between reformation and formation of character that there is between retrieval and development; but if the whole process in reformatories is recovery from degradation and no positive progress is contemplated, a very negative education must be their *spécialité*. I propose that, any punishment being effectively carried out apart, neglected children should be provided with industrial training in schools only distinguished as for older or for younger children.

There is a mischievous tendency in minds devoted to a special subject to refine and make endless distinctions. Some are now proposing, instead of consolidating, further dividing kinds of reformatories. Miss Surr, in the current *Nineteenth Century*, suggests remodelling what exists under feminine government. 'Truant schools,' happily, have only produced six samples of their needless undertaking.

Let any one answer the question put to me by a high authority on the subject to whom I was lately showing the reformatory near Birmingham. Seeing in the admission register an entry against one or two names, 'Home decent, parents respectable,' he asked me, 'Why should such children come here at all? Why, after any punishment inflicted for a crime, should they not go home, where the law will compel them to attend school, and the parental tie will not be broken, nor the public be taxed in relief of parental liability?' There are not many such cases among admissions to reformatories, but the impossibility of defending any one completely establishes my argument. Committals to reformatories cannot be a part of a penal sentence, but only a provision of school for children who have in any way been thrown on the public care and have no fit homes to go to. Penal treatment is a separate affair, and education is supplemented only where

wanted. Children are sent in too great numbers to both reformatory and industrial schools, as well as too indiscriminately to one or the other; and the danger is not sufficiently regarded of running from an extreme of neglect to an extreme compensation of care, that the public, *in loco parentis*, may offer a premium on crime by giving industrial training to neglected children—better, more costly, and more appropriate to their station in life than children of the working class, properly cared for at home, can get from their natural parents.

Our philosophers in public philanthropy are making two great mistakes in trying to make prisons a place of education and schools a place of punishment.

A corollary to these considerations is that all publicly aided industrial schools should be under the School Department of the State, and not connected with the Home or police and magisterial Department, which should deal with crimes and their punishment, but should keep aloof from education, which it can only damage, if not frustrate altogether, by its connection. It led an ex-Home Secretary the other day to call reformatories 'a species of prisons,' and the Manchester magistrates, in despair of proper juvenile punishments, to conclude that the only device was to 'sentence to a reformatory,' —such is the jumble of ideas in police education. Day industrial schools, all admit, should at once be put under the Council Office. The Code must be adapted for the industrial training, intellectual calibre, and inspectorate of this species of school. The schoolmasters in industrial schools would so have certificates, which they now are without, and Parliament would have a further glimpse into the various expenditure it is making on national education.

The following Paper on 'The Training of Prison Officers' was contributed by the Right Hon. Sir WALTER CROFTON, C.B.: For several years past, at different periods, most important reforms have been made in our treatment of criminals; and it is certain that if we were now to look back to the state of our prisons some forty years since, we could only do so with shame and humiliation, and I may add with wonder that such a state of things could have been allowed to exist in a Christian country.

But although very great and most judicious reforms have been assuredly made, we should be entirely in error in assuming that there is no requirement for others.

To my mind, and to the minds of many who have well considered the subject, there is considerable need of reform

with regard to the training of prison officers, and I most sincerely trust that this Congress will give to the matter the consideration which it certainly deserves.

The late Sir Joshua Jebb, who was for many years at the head of the English Convict Department, framed most valuable rules for the guidance of prison officers, from which I extract one which will ever do credit to his humanity:—

'It is the duty of all officers to treat the prisoners with kindness and humanity, and to listen patiently to, and report, their complaints or grievances, being firm, at the same time, in maintaining order and discipline, and in enforcing complete observance of the rules and regulations of the establishment. The great object of reclaiming the prisoner should always be kept in view by every officer in the prison; and they should strive to acquire a moral influence over the prisoners, by performing their duties conscientiously, but without harshness. They should especially try to raise the prisoners' minds to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity, even in the smallest matters. Such conduct will, in most cases, excite the respect and confidence of prisoners, and will make the duties of the officers more satisfactory to themselves, and more useful to the public.'

These are, I submit, high requirements, and most beneficial they would assuredly be in the reformation of prisoners. But, I would ask, are they likely to be fulfilled in their spirit save by those who have been taught to realise their importance?

In former years—when the reformation of prisoners received but scant consideration on the part of our rulers—the character of their custodians was, of course, deemed a matter of no import; they were, in too many cases, as depraved as those they were appointed to guard, and produced results which caused our prisons to be likened to 'hells upon earth.'

So indifferent and so blind were the public that I remember a return of reformation from a hulk being made at 80 per cent., where the prisoners amused themselves by card-playing, drinking, and dancing—yet no comment was made!

Since that time many years have passed, and the general enlightenment of the public, and increased access to information, would render such a discreditable state of things at the present time next to impossible. We have now, speaking generally, a respectable prison staff, and in some cases I am aware there are officers who have cultivated knowledge on the subject, and have realised the spirit in which they should act

towards prisoners. These exceptions illustrate to my mind the advantages which would accrue from a special training.

So much has this been realised as a necessity in Italy and in Belgium, that the training of prison officers has been carried on with considerable success in both countries for several years. The Director General of Prisons in Italy has recently informed me of the excellent results which have accrued through the adoption of the system. The advantage was made so clear in the discussions at the International Prison Congress in Sweden, that a resolution was passed in its favour.

Those conversant with prison management are well aware how much prison offences depend upon the tone and manner in which the officers perform their duties. Those with a loud voice and domineering manner are sure to provoke a class of persons with violent and irritable tempers, further aggravated by imprisonment. Much of this proceeds from a misapprehension of their position with regard to prisoners, and a want of realising the importance of the work in which they are engaged.

I remember, not long since, visiting a female prison in Belgium which was entirely supervised by a Sisterhood. I was much struck by the absence of the ordinary prison offences and punishments; but when I observed the manner in which the Sisters performed their duties, it was quite clear to me that the usual 'rock of offence,' viz. loud and peremptory speaking, had no place in that establishment. The Sisters had been *trained* to perform their duties: a high sense of the value of their work had been impressed upon them, and they carried out the rule, which I have before quoted, both in its letter and its spirit. Now every experienced person will, I feel sure, agree with me that the bulk of prison offences arise from the causes I have mentioned—too often generating a feeling towards the officer resulting in very serious crimes. This being so, I submit that it is an imperative duty to take such steps as may reasonably be supposed will remedy a great evil, and which, by the experience of other countries, we know has had that effect.

The prison service is one of great importance, tolerably well remunerated, and should be made to present to those in its lower ranks the certainty that, if fit by intelligence and good conduct for promotion, they will assuredly receive it. It would not then be too much to expect that candidates should give up from three to six months of their time without remuneration to be made fit for the appointments which they seek.

It is unnecessary at the present time to enter into the details, which need present no difficulty, for carrying out the principle of this proposal. It is sufficient to indicate that in Ireland, for instance, such training could be carried out in connection with the Mountjoy Prisons, Dublin; and it cannot be doubted that voluntary lecturers would be forthcoming in that city to assist in such a good work.

It has heretofore been thought to suffice, that as prison officers are appointed on probation, they can be got rid of, if not found properly qualified. But this power is not so easily exercised as may be supposed, for it is difficult to remove an officer of steady character, although not qualified in other respects. The requirement is, therefore, not met.

Those conversant with the constant and arduous duties of prison officers need not be told how impossible it would be for them to give due time and consideration to the lectures and instruction which should form their training.

I need scarcely state that the remarks which I have made apply with equal force to female prison officers as to males.

I submit that what has been tried with success in other countries cannot be deemed a theory unworthy of our consideration; and I would further point out to those who doubt, that the International Prison Congress at Stockholm, which recommended the training of prison officers, was composed of the most experienced officials and jurists, delegated by the Governments of their several countries.

In conclusion, I must express my earnest hope that the Irish Government will give to this proposal their very serious consideration, for I do not believe its importance can well be over-estimated.

Two Reports of a Local Committee as to means of diminishing Vice and Crime in Dublin were then presented by Dr. NEILSON HANCOCK, Q.C. The following is a summary:—

(*a*)—*Protection and Rescue of Girls under Twenty-one years of age.*

We submit the following summary of recommendations for legislation for the protection and rescue of girls under twenty-one years of age:—

(1) The jurisdiction of the County Courts for appointing guardians within limits to be properly prescribed should be as complete as the jurisdiction of the Court of Chancery.

(2) Where the property of the minor is less than 50*l.*, there should be power of appointing guardians vested in Justices at

petty sessions—the parties applying to be exempted from court fees, stamps, and charges.

(3) As incident to the Justices' jurisdiction in guardianship, they should have jurisdiction to determine all disputes between minors and their employers, and there should be power in these cases, as well as in the case of appointing guardians, of having the proceedings conducted in chamber, so as to afford protection and advice without the attendant injury of publicity.

(4) The authorities of charitable and religious institutions who undertake the care and support of girls—whether in homes, asylums, hospitals, or penitentiaries—should have the power of temporary *ex-officio* guardians for the care and protection of the girls they so support and befriend.

(5) The master or employer of any girl who is not residing with a parent or guardian, or some person deputed by parent or guardian to exercise control over her, should be deemed temporary *ex-officio* guardian of the girl.

(6) The principle of the Industrial Schools Act, 1880, of allowing children under the age of fourteen to be rescued from houses of ill-fame, should be extended to the age of sixteen—the age at which they can be kept in the industrial school.

(7) The authority of managers of industrial schools and reformatories over girls should be extended so as to allow, by apprenticeship, or by placing girls out on licence, the exercise of such authority in every case up to the age of twenty-one years (unless girl previously married).

(8) Then there should be authority to every guardian of a girl under twenty-one to rescue her from a house of ill-fame.

(b)—Illegitimate Children.—Suggestion for making the Liability of Reputed Fathers the same in Ireland as in England.

The liability of reputed fathers in England dates so far back as 1576, more than three centuries ago, when the 18th Eliz. c. 31 empowered justices to compel a putative father or mother, or both, to pay a weekly sum for the maintenance of their illegitimate child.

The Irish Poor-law of 1838 was more stringent than the English law of 1834, for it threw the whole burden of support of an illegitimate child on the mother, and gave no remedy against the father. The liability of the father at the suit of the mother was restored in England in 1844, by 7 and 8 Vic.

c. 101, s. 2; so that there were only ten years in the last three centuries that putative fathers were not liable at the suit of the mother to contribute to the support of illegitimate children in England. The Act of 1844, however, repealed the power of the guardians to sue.

In 1863, putative fathers in Ireland were for the first time made liable to contribute to the support of their illegitimate children, and then not to the extent the putative fathers had been liable in England under the Act of 1844, but only to the extremely limited extent that they had been liable in England from 1834 to 1844—that no suit could be instituted except by the guardians while a woman was in receipt of relief.

In 1875 the right of the guardians to sue where the mother was in receipt of relief, a right which had existed in England from 1834 to 1844, and has existed in Ireland from 1863, was revived in England, and thus in such cases the law as to illegitimate children has since 1872 been practically the same in both countries; but as regards women not in receipt of relief, the Irish women are still in the extremely unfavourable position that English women were in during the short period of ten years from 1834 to 1844, out of the three hundred years that had elapsed since the 18th of Elizabeth, namely that no suit could be instituted except by the guardians while a woman was in receipt of relief.

The history of the way in which the Irish law was extended to England, and the English law amended in 1872 and 1875, is interesting as a guide to the best way of proceeding to have the English law now extended to Ireland. It arose from the petition of a single Board of Guardians in England, that of the Hertford Union. The first clause of the petition was as follows:—

> '1. That your Petitioners believe that the Act of 7 & 8 Vic. c. 101, intituled "An Act for the Further Amendment of the Laws Relating to the Poor in England," so far as relates to bastardy, operates oppressively towards the mothers of the bastard children.'

This petition was presented to the House of Commons, April 19, 1871. A voluntary society brought this petition under the special consideration of members of Parliament, and the result was the passing of the Acts of 1872 and 1875. The result has been very satisfactory, the infanticides in England and Wales having been reduced about one half—from 31 in a portion of the population equal to that of Ireland, to 16, while in the same years the defective state of the Irish law has led to an increase of infanticide from 22 in 1872, to 27 in 1879,

whilst other murders in Ireland decreased from 33 in 1872, to 22 in 1879.

Mr. W. G. Brooke, in his Report to the Statistical and Social Inquiry Society of Ireland in 1873, referring to the difference between the laws in the two countries for protection of women, says:—

> 'Resting then on the statutes, *the mode in which the liability of a reputed father is enforced differs so materially in England and Ireland, and places the Irish mother at so supreme a disadvantage,* that it is necessary to devote to it some little attention.'

This is very similar to the language of the petition of the Hertford guardians in describing the law as it then stood as wrong in principle, and based upon cruelty, and oppressive towards women.

In a bill (Mr. Hopwood's) introduced into the present session of Parliament, 1881, for securing the maintenance of children, the principle is laid down that at the request of either party the proceedings should be in private.

Conclusion.

We accordingly recommend that with this modification of power to have proceedings in private (which is now proposed to be adopted in England for one branch of the subject), that the English law as to the liability of putative fathers be extended to Ireland, the jurisdiction, however, to be exercised by the County Courts to which the legislature entrusted in 1863 the enforcement of the liability of such fathers to the extent it exists in Ireland.

A Paper was read by Dr. BARNARDO on 'The Continued Necessity for Voluntary Agencies in Reclaiming the Children of our Streets.' The question proposed to be answered in the affirmative in this Paper is briefly whether or not private enterprise is still necessary to supplement the work of reformatories and certified industrial schools in the rescue and training of children of the Arab class. In a brief preliminary sketch, the rise and formation of such institutions is described, showing that private enterprise has always taken the leading part in their establishment.

The arguments in support of voluntary efforts are then set forth as follows:—

1. The large numbers of children known to be unreached by existing agencies; the tendency of this part of the population to increase with rapidity, and the disproportionately small

increase of State institutions within the past few years, all go to prove that the latter cannot by themselves keep pace with or overtake the annual growth, and need to be supplemented by voluntary homes.

2. The well-known preference of street children themselves and such relatives as they may possess for the voluntary homes in contrast with the widespread repugnance they exhibit towards State institutions, accounts for the consequent comparative ease of rescuing children by the former, and shows that if voluntary homes ceased operations, many now rescued could not be received at all.

3. The non-existence in the voluntary homes of restrictions as to age of admission is urged as an important element in their favour, considering that the greatest increase of children coming upon the streets has been of late years between the ages of 13½ and 15½, and that the limit of admission to the industrial schools being 14 years, the most necessitous and largest class at present are practically shut out from State institutions.

4. The results of the two systems are compared, with advantage to the voluntary homes.

A glance is then taken at the objections which have been raised to voluntary homes and other institutions of this class, and at the rejoinders which can be offered.

Objection 1.—Their alleged irresponsible management, and the inexpediency of entrusting the welfare of a large portion of the community to the hands of 'unauthorised' persons.

Answer 1.—It may fairly be urged that this objection is not of universal application, but admits of many exceptions, as in the case of hospitals, the education of the young in the middle and upper classes, and in public schools. Why should the exception not be made in the case of these children where so many advantages must accrue? Moreover, dependence upon the general public for support is declared to be the surest guarantee for 'responsible' management.

Objection 2.—Their dependence upon eleemosynary gifts is regarded by many as an element of instability.

Answer 2.—This objection is formidable only in theory, and has no practical importance, as no example of a properly conducted voluntary institution having failed in consequence of the withdrawal of subscriptions can be adduced. In fact, fewer voluntary homes have been closed from any cause within the last thirty years than certified industrial schools and reformatories.

Objection 3.—The private character of these homes deprives

them of official inspection, by the absence of which they are removed to a great extent from the public eye, whereby abuses may be fostered, the accidental exposure of which may lead at any time to a widespread want of confidence in the whole system.

Answer 3.—The objection is felt to be a serious one, and calls for immediate reform. The managers of voluntary homes are themselves for the most part unanimous in desiring annual inspection and report, but do not desire State control or aid, a petition to this end having been last year addressed to the Home Secretary. It is pointed out that official inspection, if granted, would be a great element of strength to the system.

Generally on the whole subject it is shown that legislation upon social matters has almost always been preceded, if not absolutely suggested, by private enterprise. This fact, in the writer's opinion, points to the conclusion that to supplant private enterprise by State organisation in the reclamation of the waifs and strays of our streets would of itself remove an important stimulus to further and even more necessary legislation.

EDUCATION.

NATIONAL (PRIMARY) EDUCATION IN IRELAND.

What Alterations is it desirable to introduce into the System of National (Primary) Education in Ireland? By JOHN FERGUSON, President of the Irish National School Teachers' Association.

THAT the system of National Education established in 1831 has, during the fifty years of its existence, conferred substantial benefits upon the country few persons will attempt to deny; but, great as have been the advantages derived from it, I hope to be able to show that it is open to improvement in several essential particulars.

As it would be both unfair and unreasonable to unduly occupy the time of this meeting in attempting to enter into lengthy details or learned disquisitions on what might have been done heretofore to produce more satisfactory results, I think it more advisable, from the teachers' point of view, to discuss a few leading questions in connection with the system of primary education, and to suggest certain changes which I believe would tend to promote the extension of education, in its best sense, amongst the great body of the people. It has been truly said that 'a nation's greatness depends upon the education of its people,' and hence it is a question of the utmost importance to the State that the system of public instruction it adopts should be as practical and complete as possible. The principal points requiring immediate attention, and which I propose to discuss in this Paper, are the following:—

1. The present system of payment by results.
2. Compulsory attendance.
3. The proper training of teachers for the discharge of their duties.
4. The qualifications of teachers, and the necessity of remunerating them adequately for their services.

5. The question of pensions for teachers.

6. Instruction in agriculture, and the necessity for having teachers decently and comfortably housed.

THE RESULTS SYSTEM.

In 1872 what is known as the system of payments by results was introduced into this country, and the teachers saw from the first that the labours of the instructor could not be measured by the new rules with any fair approach to accuracy, and that the system would be certain to act in many ways injuriously to the true interests of education. The teachers as practical educationists saw intuitively the fallacy of most of the arguments employed to introduce it favourably to their notice; but, bowing to the inevitable, and being desirous as true lovers of their country to do what in them lay to promote its advancement, they determined to exert themselves to the best of their ability to work the new scheme successfully, and the statistics of education afford ample proof that these efforts have been, as evidences of their industry and efficiency, eminently satisfactory. The authors of the system never failed to parade it as a panacea for all the ills of education, and yet we find that since its introduction its principles have been subjected to so many changes that it is now very different in several essentials from what it was at first. The teachers have, from time to time, suggested changes in the Results Code many of which were adopted at once, and not a few of those suggestions which were strenuously opposed by the authorities have been since introduced into the scheme with admitted advantage. These facts show at least that the opinions of the teachers on matters affecting the interests of primary education are worthy of respectful attention. Earl Spencer, a few weeks ago, in offering suggestions for the improvement of the Results Code, stated plainly that the present mode of payment fails 'to work quite fairly to the schools and teachers;' and Mr. Mundella, in alluding to the regulation which requires a scholar to make a certain number of attendances in the year to qualify him for examination, says that it offers a temptation to teachers to falsify the school records to which they never should have been subjected. The temptations to give inaccurate returns are still greater in the case of Irish teachers, for as the results fees pass directly into their pockets, and their needs being in many instances of the most pressing nature, it cannot be matter for much astonishment if they fall occasionally into the temptations from which even their English brethren do not always manage to escape. The constant changes in the programme of ex-

amination for pupils during the past few years have been the source of much embarrassment and irritation to the teachers, tending seriously to unsettle their minds, and consequently to prevent the satisfactory progress of the children. At present no child is examined at the Results Examinations who has not attended for at least 100 days during the previous twelve months; and though it could scarcely be expected that a scholar could make much progress on an attendance of less than 100 days, still there are thousands of children passing through our schools whose attendance never reaches the qualifying figure, though such children, at least before the introduction of the Results System, often learned to read and write to an extent that has been known to assist them considerably in the battle of life. It might be an improvement to have some of the changes proposed to be made in England applied to this country. It is proposed by the Committee of Council on Education to examine all scholars who have been on the registers for six months; and such a regulation, if it have no other advantage, will at least ensure attention to the children who do not make the regulated number of attendances. There is no doubt that the present system requires radical changes, and the sooner they are made the better for the interests of education; but whenever any alterations are about to be introduced, the opinions and advice of the teachers should be elicited, because, from their position and experience as practical instructors of youth, there is no class of persons who can speak with greater authority upon such matters.

COMPULSORY ATTENDANCE.

The irregularity in the attendance is such a serious obstruction to the work of the teacher that every person who really desires to see the masses of the people educated must admit that the time has arrived when some well-considered scheme of compulsion becomes an absolute necessity. That 'Satan finds some mischief still for idle hands to do' is what no person will attempt to deny, and yet how many of our children are allowed to roam idly about subjected to the danger of contracting vicious habits that can never be eradicated. 'Prevention is better than cure,' and it is far easier to devise remedies for preventing young people falling into vice than to know how to take proper means for reforming their manners when we have allowed them to become corrupted. Children who attend regularly to school have their minds so closely employed that they escape most of the trials and temptations which are constantly before the truant and the idler; they are

also subjected to a course of discipline and self-restraint that must be of much use to them through the whole course of their lives. In the introduction of any scheme of compulsion great care should be taken to see that it is calculated to effect the object for which it is intended. At present certain machinery exists in England for compelling children to attend school, but it has been found not to work quite satisfactorily. Educationists there, very capable of forming correct views upon the subject, have been led by experience to feel convinced (1) that employers of labour (particularly farmers), when placed on the attendance committee, often fail to carry out the provisions of the Act, because they suppose them to be opposed to their pecuniary interest; (2) that where local authorities are willing to do their duty, magistrates are frequently indisposed to back up their efforts; (3) that parents of children earning wages find it pays even to get *fined*; and (4) that many private and adventure schools are found to be used as a cloak for irregular attendance. The Committee of Council on Education in England and Wales, in their latest report, calculate that 3,500,000 children ought to be in attendance in the elementary schools; and, adopting the same basis of calculation according to population, there ought to be about 1,016,000 children in the primary schools of this country. The number of individual pupils on the rolls in the Irish National Schools during the year 1880 was 1,083,020, but out of this large number only 485,199 qualified to be examined for results by making 100 attendances in the year, and of these only 461,574 were actually examined. It thus appears that 597,821 children passed through our schools during the year 1880, whose individual attendance during the twelve months was less than 100 days, a fact which proves conclusively that a supreme effort tending to ensure a more regular attendance at school is one of the greatest educational needs of the present time.

THE TRAINING OF TEACHERS.

The proper training of teachers for the efficient discharge of their duties is a subject which cannot be overlooked in a Paper dealing with the subject of Primary Education, and hence I propose to say a few words concerning it. Of the entire staff of 31,422 teachers in charge of elementary schools in England and Wales, 19,046, or upwards of 60 per cent., have gone through a regular course of training; while of the 10,674 certificated teachers conducting Irish National Schools only 3,309, or 31 per cent., have been trained. In the report of the Committee of Council on Education this passage occurs: 'Of the teachers, however, who, from whatever cause, have not

attended a training college, a considerable proportion cannot, except in a technical sense of the word, be classed as *untrained*, having, under the superintendence of some of our best teachers, passed through the pupil teachers' course, and served as assistants in large schools, before passing the examination for a certificate, and undertaking independent charges.' Most of what is here said might be applied to many teachers classed as untrained at present conducting Irish national schools. Most of the *untrained* teachers have either served an apprenticeship of several years as monitors under skilful teachers, or have acted as pupil teachers in district model schools, institutions which were established some years ago to serve the purpose of training colleges in this country. Several teachers have also during the past few years received a course of training at an institution near Dublin which is unaided by the State. Notwithstanding these facts, an undue proportion of teachers remain untrained, and it is most desirable that a scheme of training should be adopted which can be availed of by young persons desirous of preparing for the office of school-teacher.

In connection with this question a few words on the subject of the employment of assistant teachers may not be out of place. Up to the year 1879 the services of an assistant could be had in a boys' school having an average of sixty scholars, and a female assistant might be appointed in a school having a mixed attendance of boys and girls, or in a girls' school, provided an annual average of fifty was maintained. According to the regulations now in force, an average attendance of seventy is required to warrant the appointment of an assistant teacher in any school. This arrangement has been found not to work well, and there can be no sound reason for adhering to it when it is known that the school authorities in England and Wales propose to give authority for the employment of an assistant in schools with an average attendance of sixty scholars. If the importance of industrial training in Ireland were fully considered, surely the services of an assistant would not be refused in girls' schools, or in schools having a mixed attendance of boys and girls, in which the attendance reaches sixty children.

QUALIFICATIONS AND PAYMENT OF TEACHERS.

I is of the first importance that the teachers should be properly qualified for their duties; but now that so many avenues of employment in the Civil Service are open to young men of talent and industry, it becomes necessary to hold out sufficient inducements to persons of the right stamp to enter on the laborious

work of teaching, and to retain them permanently when once they have engaged in it. Efforts have been made from time to time to improve the position of the teachers, but still much remains to be done in the same direction. An Act of Parliament was passed in 1875, called 'The National School Teachers (Ireland) Act,' empowering poor law guardians to contribute out of the rates funds to the extent of 60,000*l.* in the whole of Ireland, to be expended in payment of results fees to the teachers of national schools. In the financial year 1875–76 only 65 unions, out of the entire 165 unions in Ireland, contributed for this purpose. In 1876–77 there were 70 'contributory unions'; in 1877–78 39 unions contributed; in 1878–79 the number dwindled down to 28, while at present there are only 13 contributory unions; so that the scheme may be almost said to be a total failure.

According to the provisions of the Act of 1875, every teacher whose school was situated in a 'non-contributory' union received only one-third of the results fees payable to teachers who had the good fortune to live in a 'contributory' union. The injustice to the teachers was so apparent under this regulation that a change was made in the next year by which teachers whose school fees reached a certain fixed minimum amount, calculated on the daily average attendance, might be paid two-thirds of the fees to which they would be entitled had their schools been situated in a district where the guardians complied with the intentions of Parliament in passing the Act of 1875. It is easy to understand how great injustice and hardship may result to teachers under this regulation. If the school fees and local aid do not reach the required amount the teacher is only paid one-third of his hard-earned results fees; so that in poor localities, where it is impossible to get the necessary local aid, the teacher is made still poorer, and it sometimes happens, under the conditions of this regulation, that a very efficient teacher whose pupils 'earn,' on examination, exceptionally high results, is mulcted in one-half the results fees, while, if he had been less efficient, the total amount 'earned' would have been paid him. It thus appears that this scheme of 'contingent results' puts a premium on inefficiency and offers a temptation to falsify the school records, which must sometimes sorely try the honesty and general trustworthiness of the wretchedly paid teacher. The proper way to get rid of all these difficulties is to place a sum at the disposal of the Commissioners sufficient to enable them to pay full results to all teachers, untrammelled by these absurd and highly mischievous and unjust regulations.

In consequence of the almost total failure of the Act of 1875 a resolution was adopted unanimously by the House of Commons on May 7, 1878, on the motion of Mr. Meldon, M.P., expressing the opinion that 'the position of the Irish national school teachers called for the immediate attention of Her Majesty's Government with a view to the satisfactory adjustment of their claims.' Since then an increase of 4*l.* per head has been made in the teachers' salaries; but, when the loss sustained through the failure of the Act of 1875, and the deductions made on account of the Pension Act are fully considered, it will be seen that the position of the Irish national school teachers is little better in the matter of salaries than it was when the resolution just referred to was passed unanimously by the House of Commons.

According to the latest returns the annual incomes of teachers in England, Scotland, and Ireland were as follows:—

	England.			Scotland.			Ireland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Males . .	121	2	7	138	12	2	55	10	0
Females . .	72	12	8	70	16	9			

The returns in the case of Irish schools do not enable the salaries of male and female teachers to be given separately.

The requirements of the 'results code' of the English and Scotch schools and the 'programme of examination' of the Irish schools are nearly identical for the several standards or classes. The course of arithmetic is far higher for the upper standards in Irish schools, but in other respects the conditions for obtaining a 'pass' on the day of examination are very similar.

The following are the percentages of passes in reading, writing, and arithmetic obtained on the examination of pupils in England, Scotland, and Ireland, as quoted from the latest available returns:—

	England.	Scotland.	Ireland.
Reading	88·25	91·85	91·4
Writing	80·44	88·14	93·8
Arithmetic . . .	74·9	83·12	74·8

The present scarcity of good intermediate schools available for clever young people of the industrial classes requires to be remedied, and there is no plan by which this can be done more effectively than by securing the services of 'primary' teachers thoroughly qualified to discharge the duties it may be necessary to call on them to perform. The remuneration heretofore

given to teachers will not secure this most desirable object. The people of Ireland are, and have always been, remarkable for their love of learning, and if opportunities be afforded them for distinguishing themselves in the walks of education, they will be certain to give a good account of themselves. Even as things stand, the national school teachers of Ireland are discharging their duties with a considerable degree of success. In England and Scotland children can be compelled by law to attend school regularly, and the populous and wealthy centres so numerous in Great Britain afford special facilities for the spread of popular education. With all the disadvantages under which we labour, it is a matter for congratulation that the work of education is so far advanced in this country. Whatever lesson may be learned from the above figures, it is plain that they afford no just grounds for the great disparity in the incomes of primary teachers in these different portions of Her Majesty's dominions.

PENSIONS.

The national teachers freely and cheerfully admit that the Pension Act, passed in the closing days of the last Parliament, is a most beneficial measure; and they have expressed on every proper occasion their hearty gratitude for the provision made for their declining years, but they believe that the ages for obtaining the maximum rates of pension—sixty-five for males and sixty for females—are entirely too high, and they are of opinion that the entire scheme, in order to give satisfaction, requires considerable alteration.

The maximum rates of pension for first, second, and third class male teachers at the age of sixty-five are as follow:—

	£
First class	60
Second class	47
Third class	35

A teacher entering the service at eighteen would receive a pension, as may be seen by the following table:—

	1st Class.	2nd Class.	3rd Class.
	£	£	£
After twenty years' service	6	6	6
„ thirty „	14	12	10
„ thirty-five „	21	17	13
„ forty „	31	24	19

It would thus appear that a teacher becoming incapacitated after a service of forty years would only receive a pension.

slightly in excess of half the amount to which he would be entitled after forty-seven years' service; or, in other words, the last seven years of a teacher's service are estimated more highly by the present scheme than the previous forty years, during which he might be expected to render more satisfactory and efficient service to the State.

The ages for obtaining full pensions are regarded as being too high, and, considering the fatiguing and irritating nature of the teacher's work, it is believed that the retiring ages should be reduced to fifty-five and fifty, for males and females, respectively. The Commissioners of National Education, who are thoroughly acquainted with all the facts of the case, are unanimously of opinion that, as a rule, teachers over these ages are not able to discharge their duties with the vigour and efficiency of the early years of their service, and that the request for retirement on full pension at these ages is not unreasonable. Under any circumstance, length and character of service should be taken into account when determining the amount of pension to which a teacher is entitled, particularly in cases where he is compelled to retire from ill-health or other physical infirmity. As the Commissioners of National Education know thoroughly the whole history of a teacher's career, they are evidently the proper authority for administering the pension scheme; and I am clearly of opinion that, having due regard to the interests of the public service, the entire direction and administration, subject to the usual control of Parliament and the Lord Lieutenant, should be placed in their hands. The Act of 1879 provides a capital sum of 1,300,000*l.* for the nucleus of a pension fund, the interest arising from which, together with deductions from teachers' salaries, leaves available a total annual income of 48,000*l.* to be awarded in pensions to teachers. I believe this sum provides sufficient funds to warrant the establishment of a pension scheme more just to the teachers and more advantageous to the public service.

INSTRUCTION IN AGRICULTURE, AND THE DESIRABILITY OF HAVING TEACHERS COMFORTABLY AND DECENTLY HOUSED.

The Commissioners of National Education in Ireland have lately made instructions in the principles of agriculture compulsory in all rural schools, but except the fullest facilities be afforded the teachers for giving practical instruction in the subject, no permanent or really useful results can arise from this regulation. If it be considered desirable to give instruction in improved methods of agriculture, small plots of land should be

provided in connection with rural schools in which the principles taught in the books can be practically exemplified. This is the only means by which permanent impressions can be made on the minds of the pupils; and in a country like this, in which agriculture is almost the only industry, every plan calculated to promote improvement should be adopted. A well-kept plot of land, and a comfortable cottage in connection with the school as a residence for the teacher, would be most effective in disseminating sound doctrines in agriculture, and in begetting amongst the masses a taste for neat and tidy housekeeping. The teachers' efforts to promote tidy and cleanly habits must be sadly marred while their own domestic surroundings are of the most squalid and uncomfortable character.

The Forty-Sixth Report of the Commissioners of National Education affords lamentable evidence of the privations suffered by the teachers for want of suitable places to live in. The number of schools in connection with the national board at the termination of the year 1879 was 7,720, and of these only 1,257, or about 16 per cent., were provided with residences for teachers. The remaining 6,463 schools were unprovided with residences. It will thus be seen that nearly 84 per cent. of the national school teachers are unprovided with residences in connection with their schools. In England 47 per cent., and in Scotland 57 per cent., of the masters in charge of elementary schools are provided with residences free of rent. A large percentage of the mistresses have also residences provided for them. In England and Scotland few of the teachers in charge of rural schools are unprovided with residences rent free, while in Ireland, as a rule, the reverse of this is the case. The residences provided for the teachers of national schools in this country are, with few exceptions, quite unsuitable as places of abode for teachers, while the vast majority of them may almost be regarded as unfit for human habitation. When writing this paper I had the details of hundreds of cases before me fully bearing out the assertion I have just made, and any person who takes the trouble of looking into the latest reports of the Commissioners will find that Her Majesty's inspectors of schools in this country corroborate my statement in a very remarkable degree. I am very sorry that the limits of this Paper preclude me from giving precise examples of the hardships suffered by teachers for want of proper residences, but I think I have at least shown that improvement in this particular is sadly needed. The representations of the teachers and their friends to members

of the late Government succeeded so far as to induce them to have an Act passed in 1875 offering money on certain conditions for building residences for teachers of national schools. The Commissioners of Public Works in Ireland are empowered by that Act to make loans for building teachers' residences—so far, at least, as the repayment of the loan is concerned—on very easy conditions. This Act, conceived in the most liberal spirit and offered with the best intentions by Her Majesty's Government, has not been availed of to the extent that could be desired. The Commissioners of National Education express 'regret and disappointment at the apathy exhibited by the managers of national schools in not availing themselves of the facilities afforded by this measure for providing suitable dwellings for teachers,' and I am afraid it cannot be denied that the reproach is well founded. I am aware that some managers, really anxious to avail themselves of the advantages of the Act, have found great difficulties in procuring sites and in otherwise satisfying the conditions upon which the public funds are advanced for the purposes of building residences for teachers. Since the passing of the Residences Act in 1875 up to December 31, 1880, only 235 applications for loans were 'favourably entertained': but the number of 'applications' were only 281, a fact which seems to indicate that managers and patrons of schools have shown no earnest desire to comply with the intentions of Her Majesty's Government and of Parliament in passing the Act. I think if the advantages to the public interests were fully considered, compulsory powers would be given for obtaining sites for building purposes, and that it is well worthy of consideration whether public grants should be given to schools the teachers of which are unprovided by the local school authorities with decent and comfortable residences.

Having now given my views, and those of the Irish national school teachers whom I represent, on several points connected with the important question proposed for discussion in this section, viz. 'What alterations is it desirable to introduce into the System of National (Primary) Education in Ireland,' I desire to say that if I could think I have in any way, however slightly, contributed towards a satisfactory solution of the difficulties surrounding the question, I should feel one of the dearest and most earnest desires of my life more than gratified.

DISCUSSION.

The Rev. Canon HARDING, M.A. (Gilford, Co. Down), said he had long been of opinion that nothing but compulsion would induce the working classes of Ireland to take advantage of the national education afforded them. He had been a clergyman of a large parish in County Down for a great number of years, and had many people under him, but notwithstanding every effort of the clergy of all denominations, and the efforts of the teachers of the schools themselves, the results were most unsatisfactory with regard to the attendance of the great masses of the children. The gentleman who had read the Paper had told them that a child could not be examined by results unless he attended school one hundred times during the year. A person who knew anything about education knew that a child who only attended one hundred times during a year was very imperfectly educated, and he (Canon Harding) was more than ever convinced that nothing would do in Ireland until some measure was introduced to try and compel the attendance of children at schools. He thought they must all admit—at least all those who had had any acquaintance with pupils who had left school—that numbers of them who seemed educated were only very imperfectly educated. He knew from his own experience that many who came to get married were unable to write their names, and this, he considered, a lamentable thing; an evil which should be remedied. It was said by the people that if they were compelled to send their children to school they would be beggared; but he thought the difficulty might be overcome in some such way as this: the unions might be made contributory to the payment of the teachers. If the relieving officers would certify that a certain family were not able to pay, why should not the union be made contributory for those children? Then there was another point, and that was relating to the children when they were growing up. They knew that when lads or girls came to fourteen years of age they were very useful to their parents, especially if in the case of the lads their parents were farmers. Why should not some system be introduced of having night schools, at which the attendance of children, certainly of boys, over twelve or thirteen years of age should be made compulsory, when they were employed during the day in assisting their parents; and furthermore, why should not teachers be compelled to hold such schools? If such a scheme were carried out, he thought some practical benefits would ensue. The result would be that the time and money spent upon young people's education would not be time and money wasted, as too many parents now seemed to think, but would really be an investment which would bear interest both for the good of the parent and of the country.

Professor JAMES W. KAVANAGH (Catholic University, Dublin) observed that anything to benefit the condition of teachers had always had his support, sympathy, and encouragement, although he had never wished to interfere with the general interest of the country by advocating too strongly their cause. In the abstract sense, compulsion, he thought, indispensable, because it was an interference by the State with

the rights of families and individuals. As to night schools, he was of opinion that they were out of the question in two-thirds of the country. He had done what he could to make the system a success in some parts of Ireland, particularly when he was an educational officer, but he regretted to say that his efforts had not been attended with any great degree of success. Night schools had succeeded, he believed, in large towns—in Limerick and Cork for instance. Allusion had been made by Mr. Ferguson in his Paper to the payment by results, and the temptations open to teachers to falsify the school records, and to pay little or no attention to the pupils who were not likely to make the requisite number of attendances. The Irish schoolmasters, he believed, were as honest and upright as any other class in the world; but for all that temptation should not be thrown in their way. But there were ways of correcting the present defects in the system, and these should be applied. He had been an examiner under the Intermediate Education Act, and he knew that a long and loud cry was raised against payment by results. The cry was unmeaning and irrational, and they should do what they could to repress it. And how should they set about attaining their object? By convincing the public that they should not object to results, but the abuse of results. He did not for one moment deny that in some cases that attendance was an open temptation to fraud. It was exceedingly hard for a poor schoolmaster, if one hundred days was required as the minimum attendance of a pupil, and he only presented himself on ninety or ninety-nine days. Was it not, under such circumstances, a very great temptation to a teacher to resist putting down one hundred days? Of course it was. He thought he might take credit to himself for having been one of the first in Ireland of devising some check in keeping the accounts of the National Board correctly.

Mr. Thomas Mayne (Dublin) agreed with the Rev. Canon Harding that primary education in Ireland could not be satisfactorily carried on in Ireland without compulsion, and, as a poor law guardian, considered that the machinery of that system was admirably adapted to overcome the difficulties both as regards the payment of fees and the purchase of necessary books. This was done in Germany. He did not believe that the religious difficulty was insuperable, for he was sure that the clergy of all persuasions would be glad to find so powerful a machine at their disposal as that of a compulsory education law. Mr. Ferguson had said that he took up the question from a teachers' point of view. There was another side which deserved the best consideration of the Association. Taking the case of those who did not attend school—Was everything done for them that could be done, and was done in other countries than Ireland? The speaker also urged the importance of the study of vocal music. It tended to ensure better attendance; to bring out the mind of the child; to lighten the labour of the teacher; and finally afforded an innocent means of relaxation ever afterward through life. The Irish people had always been noted for a love of music, and the teaching of it might well be made compulsory. At present the standard of the lower middle class schools was inadequate; few were taught to read part music. He

trusted that this subject would receive the attention which it deserved, and the encouragement of the National Board.

Dr. Yeats (Chepstow) said he would confine himself to a statement of facts, experiments indeed, applicable to the last points raised by Mr. Ferguson; compulsory instruction in the principles of agriculture in all rural schools, and the desirability of proper residences for teachers in rural districts. The difficulty of finding teachers had been pointed out; that of training them to field work and gardening would be still greater; but greatest of all might be the difficulty of inducing suitable men to take sufficient interest in such work. Yet these difficulties had been overcome in other countries, and might be in Ireland probably, whenever patriotism and philanthropy were aroused, proportionate to the emergency. Early in the present century, the soil of Switzerland was sadly impoverished, and the people were almost demoralised. One young nobleman, Emanuel von Fellenberg, influenced by his friend, Pestalozzi, revived the adage: '*Autant vaut l'homme, autant vaut le terrain*,' 'the worth of the man is the worth of the estate,' or, 'as is the farmer so will be the farm,' or, even better in this case, 'as are the people so is the land.' He bought a neglected estate; within about fourteen years made it a model farm; founded on it agricultural schools for the sons of large and small landowners; attracted teachers to his residence as his guests, during their holidays; built a place specially adapted to their requirements; inscribed over the doorway: 'Our country's hope'; and finally, after having assembled, annually, numbers of schoolmasters, he selected one, Wehrli, as his colleague, and succeeded in inducing many of them to join him heartily in his plans for improving the tillage of the soil, as well as for restoring self-respect and social order amongst the population. Von Fellenberg's difficulties were great, and his disappointments frequent; but great and lasting advantages resulted from his labours. His family persevered in the same direction after him—and on one particular occasion, in or about 1845, when the potato crop failed, his son William wrote a powerful appeal to teachers principally, urging them to use every effort to arrest the disease by more careful management, and to try the growth of other plants as substitutes. In this crisis the skill of these rural teachers rendered good service. Their gardens became centres of atttaction and of instruction to all around. Let it not be supposed that their lessons on horticulture or on field labour were very scientific; these were plain and practical as headwork joined to handwork could be. Even when the sons of patricians and of princes came to Hofwyl to study agriculture, von Fellenberg led them first to the holdings of the peasant proprietors, to learn thrift, and to see how much real knowledge may be acquired independently of books. After some further remarks of a technical character, the speaker continued: I have dwelt on the circumstances that led originally to the introduction of lessons on agriculture and on gardening in Switzerland, because it was necessary there first to train the teachers; there being no compulsion at that time. As soon as the teachers had acquired some practical knowledge of the matter, most of them took a liking for it, and asked for land to till; then, and not earlier, plots of ground were assigned for their use,

and these plots became to them out of doors what their blackboards were within the school walls. An additional advantage was that parents as well as children could profit by the school gardens. Whether similar circumstances exist here to-day, and whether similar results could be obtained, I know not; but one hope at least may be cherished, namely, that out of the labours of our Congress generally, or out of the discussions in this Educational Department, there will arise a decided and permanent improvement of the teachers' residences in the rural districts.

The Rev. Professor MAHAFFY (Trinity College, Dublin) said he could not help feeling that the great question for Ireland to consider was, How to obtain a far greater attention to elementary knowledge in the primary schools. Opposite opinions had been expressed that morning about compulsory education. The question, he could not disguise, was a very difficult one, and one concerning which there had been much controversy. He was himself once in a well-ordered State where, upon the children refusing to attend school, the parents were put in jail and kept there till the law was complied with. He need hardly say that such a system as that would not be tolerated in Ireland. There were two great difficulties in the way. First, in an agricultural country such as Ireland, the distances were too great; and, secondly, the poverty of the parents was such that they were obliged to send their children to work in order to obtain money. He knew there were thousands of children who were set to 'herd crows,' which meant watching a miserable piece of corn and driving away the crows. These poor children, in however small degree, were assisting their parents, and it would no doubt be a hardship to deprive those parents of their children's assistance. These difficulties, as he had said, were very great, and hard to overcome, but there were others besides. Then they came to the sentimental objections—and many people thought that they were no objections at all. He (the speaker) was of opinion that there was no more difficult objection than the sentimental, because no objection was felt at all till it became sentimental. He believed that compulsory education in Ireland was as yet impossible, and he failed to see what kind of legislation could with justice impose it. He thought they should see what could be done by rational persuasion, by showing the people the necessity of giving their children an education of some kind or other. They had the great engine of the press, and the press was now becoming more general as it reached the poorer classes. If the press would do more than it did at present to encourage and preach school education, he thought good work might be done, but he feared there was a growing tendency on the part of those connected with that great engine to think that enough was already being done; that indeed, the penny newspaper did away, in many instances, with the hard, tough work at school. There was also the pulpit. He only wished on that occasion to speak of the members of his own persuasion. He did not think its ministers had been careful enough in the matter of education. He considered it to be the duty of ministers to perpetually urge upon parents the necessity of seeing to the regular attendance of their children at schools. Then, again, there were the local landlords, the local men of influence,

those who ought to think it part of their duty to exhort the poor to attend schools. Lastly, there was another means of increasing the attendance at schools, viz. to make such more attractive, particularly in the direction of music. He supposed the Irish must have a taste for music; he could not believe it had disappeared, but he certainly thought it had become dormant. He had inspected a good many schools, and he must say that he had met with some lamentable instances of deficiency in music.

Professor MIR AULAD ALI (Trinity College, Dublin) had not had much experience on the subject of the Paper, had not been an extensive traveller in Ireland, nor had he inspected many schools; but he had gathered his information from various authorities in whom he placed the most implicit reliance. He had first to say a word or two on compulsory education, about which they had heard so much. The previous speaker had exhausted all the reasons why compulsion should not be used, and he (Professor Mir Aulad Ali) agreed with him because he believed that great evils would follow in the train of compulsion. It was a well-known fact that if they compelled a child to eat honey for some days, it would become bitter and objectionable to him, though if left to himself he would become fond of it. It had been said that parents should be compelled to send their children to school, and it had also been observed that it was undesirable for the simple reason that it was unjust and would interfere with the freedom of the people. He had had a conversation one day with a gentleman about the freedom of the people in the United Kingdom. He could not altogether agree with his friend, and argued with him thus: 'Here is a lamp-post and there are the police. Now I should like to know whether you are free to hang yourself on that lamp-post? I would like to see you do it.' Of course his friend was obliged to admit that he could not attempt to hang himself without running the risk of making himself liable to punishment. They had heard a great deal about compulsory education of children in music. He desired to warn the parents against it, because music was the most seductive of all arts, and it might interfere with other studies, even lead a pupil, when he is required to parse a sentence, to say minim for the nominative and crotchet for the adjective. He had had some sad experiences in that very college. On one occasion he was lecturing a class, in the midst of which a gentleman, who had gone there to complete his education, began whistling, 'I wish I was with Nancy.' He expressed his surprise, and the gentleman desisted. Five minutes had scarcely elapsed when the young man burst out again, and again had to apologise for his strange conduct. With regard to persuasion, he did not believe it would have much effect with children, although it might do good with the parents. The religious element, he was of opinion, should be kept distinct from secular instruction, but in university education such should form a separate department of itself. If denominational education be enforced in any University, it would cease to deserve the name of University. Kindergarten systems should be introduced and prizes should be offered, so that a stimulus

would at once be presented to the parents and children, and the latter would be found to begin and study and work hard, in hope of gaining distinctions.

Miss Sharman Crawford (Dublin) had been in the South of Ireland that year, and had just come from the North, and had visited many National schools in both places, and she had found, as a general rule, that the children attending school did not exceed thirteen years of age. She had been told, both in the North and South, that it was only in exceptional instances that a boy or girl remained beyond that age. There was no doubt that, when children of the working class attained twelve or thirteen years of age they became very valuable to their parents. They knew how poor the Irish people were, and they had to consider that, as a general rule the education of their children would terminate at thirteen years of age. In the education of the Irish boy or girl, of the working class, they had to think what were the most useful things the children could be taught up to this age. There was one point she was glad to hear adverted to in the Paper, namely, the need of practical agricultural instruction. What they required was instruction which would teach the children of the small farmer and labourer how to till the soil. It seemed to her that practical agriculture could be best learned in the National schools. They could not teach agriculture by precept, any more than they could teach needlework. She would say in reference to the teachers, she thought them very hardly treated both as regard school fees and residence. In one place near Kenmare she found that a teacher had to walk seven miles a day to and from the school in which he taught. If they were to make education a success, if they were to have it honoured in Ireland, they must pay the teachers well, and treat them with consideration. Though parents were well inclined to send their children to school, the labouring class could so ill afford to pay school fees that a large number of children would be uneducated if they had not free education given them in the schools of the Christian Brothers. This fact pointed to the need of the establishment of free National schools throughout Ireland.

Mr. Vere Foster (Belfast) was of opinion that the teachers of Ireland should be placed on an equal footing with those of England and Scotland, or any other country. He was not connected with the Government, he was not connected with schools, except that he gave a few subscriptions, and therefore he could speak impartially. He considered that the treatment that national teachers had received during the last forty years had been one of unprecedented generosity on the part of successive Parliaments and Governments. The fault was in the Irish people and also in the law. The teachers, in the majority of instances, were faithful and honest, and were of great service to the nation. He would abolish school fees, and have free schools. For many years free schools had existed in America, and they were supported partly by State and partly by county and district taxation. In the City of New York, where there were two million inhabitants, the children had the free use of books at home as well as at school, and were trusted to take them back again when they left for any other

district. As regards pensions, he thought teachers in Ireland had no grievance, although the limited age might well be altered from sixty-five and sixty to sixty and fifty-five. Then as regards residence there should be local School Boards with compulsory powers to buy ground and make other arrangements. The proportion of teachers in Ireland who had residences provided them was very small as compared with England and Scotland, where it was about 60 per cent. Teachers should be properly trained in colleges, as they were in England. In England there were forty training colleges for teachers, and in Scotland seven, all of which were in the hands of the different denominations. Only one, and that a Government training college, existed in Ireland. He failed to see why the same rules which applied to England and Scotland should not equally apply to Ireland.

Mr. John Traynor (Enfield) was anxious to say a word or two with reference to pensions. The remarks made by the previous speaker (Mr. Vere Foster) were, he thought, calculated to produce a very wrong impression, because he (Mr. Traynor) looked upon the pension scheme, as at present arranged, as next door to no pension at all, the standard of age being so absurdly high that few could hope ever to reach it. There were in society always to be found some men and women of an antediluvian nature, but they were very exceptional. One of the principal arguments used to induce the late Government to pass the Pension Act was the fact that inspectors and managers of schools hesitated to dismiss and throw out on the world old worn-out and meritorious teachers; consequently education in such schools was either retrograding or at a standstill. The hard-working national teacher, after thirty-five years' service, was, he thought, entitled to retire from his arduous profession, and he submitted that to require his services any longer was injurious to the country and cruel to the individual. He hoped it would not be considered that national teachers, in the agitation which they found necessary for a redress of their grievances, were actuated by narrow and selfish views. As a teacher of long experience, he could say for himself and his brethren that they had always made the welfare of the nation, so far as education was concerned, the primary and their own a secondary consideration. The cause of national prosperity was ever dear to them. A great deal hinged on the way in which a teacher was treated. Primary education cannot prosper in a country where the professors of such education are wretchedly paid and badly treated. Dealing with compulsory education in Ireland, he did not consider it impracticable in some form suitable to the circumstances of the country. It was lamentable to witness, as he had often done, so many of the school-going population graduating in the streets or on the highways, often in view of the very schools which have to be closed for want of a sufficient average attendance. He had heard a good deal said about vocal music, but he feared there were at present more weighty and important matters in the background which required all the consideration that can be bestowed on them.

Mr. William Ridgeway (Dublin) pointed out that although there was an apparent discrepancy between the treatment of the school-

masters and mistresses of England and Ireland, yet those in Ireland were able to live much more economically.

Mr. JOHN NEALON (Dublin) considered that the treatment of teachers in some instances was such that, when examination day arrived, they gladly saw their pupils fail. He sincerely hoped that before the Congress met in Dublin again the grievance touching teachers' residences would be removed. As to agriculture, he believed education would never reach its true perfection in Ireland till a house and plot of land were provided to demonstrate to the people how to keep and regulate their own. Until that time came, he thought they would have to be content with having the theory taught in their schools, and examinations conducted by men who were competent in that particular branch.

Mr. FERGUSON, in reply, said, as representing the National School Teachers of Ireland, he must express his thanks for the patient hearing awarded the Paper, and the interest that had been taken in the discussion. It had been said that some of the subjects had been dealt with from a teachers' point of view. This was true, but the teachers themselves considered that their point of view was the public point of view, inasmuch as their class interests, apart from public considerations, were but very lightly touched upon. A gentleman, who had taken part in the discussion, had stated that the Irish National school teacher could live much more economically than members of their own profession in England and Scotland. This was not altogether the case, for he believed on the whole they had to pay as much as any others for their various requirements, that is, when they had wherewith to pay. As regards what the Congress had done that day, viz. to allow the representative of the National School Teachers to read a Paper before it, they felt themselves justly proud, especially when the Education Section was presided over by a gentleman whom they had looked upon for many years as their great representative, a man whom they honoured and respected—Sir Patrick Keenan. And they were pleased to have another gentleman taking part in the discussion, a gentleman whose name had been long a household word among them, Mr. Vere Foster. Concluding, he again begged to thank the Section for the interest they had taken in the subject which it had been his proud privilege to bring forward.

INTERMEDIATE EDUCATION IN IRELAND.

In what way may Intermediate Education be best Promoted under the Act of 1878. (*On the System of Examinations established in Ireland under the Intermediate Act of* 1878.) By the Rev. G. MOLLOY, D.D., Vice-Rector of the Catholic University, Dublin.

WITHIN the last few years we have been committed, in Ireland, for better for worse, to a system of examinations which practically controls the whole intermediate education of the country. It seems to me, therefore, fitting that a Social Science Congress, meeting in the chief city of Ireland, should devote some portion of its time to consider the action of this system, and its value as an aid to education. I may say, too, that this question has a very special interest at the present moment, because a similar system of examinations is on the point of being set up amongst us in regard to university education, which must exercise a large influence on the extension and development of higher studies.

Nor is the interest in this matter confined to those who are connected with education in Ireland. Our visitors from England and Scotland will not be unwilling, I think, to learn something about the working of a system which seems to be peculiarly a growth of the present age, and which has a more comprehensive scope than any corresponding system existing among themselves; while we, on the other hand, may hope to gather much benefit from their independent and enlightened criticism.

In bringing the subject before you I may briefly state that the Intermediate Education Act was passed in the year 1878. The object of the Act was to promote intermediate secular education in Ireland by a system of prizes and exhibitions offered to students of distinguished merit, and by a system of result fees payable to the managers of successful schools. For this purpose a sum of one million sterling, yielding an annual income of about 33,000*l.*, was placed at the disposal of a board consisting of seven members, nominated by the Lord Lieutenant. It was provided that this board should every year hold examinations extending over a course of three years. Students under sixteen years of age were declared eligible for examination in the first year's course, which has since come to be called the junior grade; students under seventeen, in the second year's course, now known as the middle grade; and students under eighteen, in the third year's course, or senior grade. A programme was to be published

every year setting forth, for the information of intending candidates, the subjects and the authors in which the examinations of each grade would be held.

It was further provided that exhibitions of 20*l.* a year, tenable for three years, should be awarded to students obtaining the highest places in the junior grade; exhibitions of 30*l.* a year, tenable for two years, to students obtaining the highest places in the middle grade; and prizes of 50*l.* to students obtaining the highest places in the senior grade.

To retain an exhibition after the first year the candidate should pass, in each subsequent year for which the exhibition lasted, a qualifying examination, the conditions of which were set forth, and were by no means severe. The number of exhibitions and of 50*l.* prizes to be awarded in each grade was fixed at one-tenth of the number of students who should pass in that grade in at least three divisions. A division comprised some complete and substantial portion of the course, such as Greek, or Latin, or English, or mathematics, or natural science. To stimulate the exertions of less distinguished students it was declared that medals and minor prizes of books might be awarded to students of merit who should fail to gain an exhibition. Lastly, result fees were to be paid to the managers of schools for every pupil they sent up who passed in at least two divisions. The amount of these fees was fixed in the Act, and varied according to the acquirements of the candidates, ranging from 3*l.* to 10*l.* for each successful student. I should observe, perhaps, that power was given to the board to alter and amend these provisions as they should think fit, subject, however, to the control of Parliament.

You will see at once, I think, that the working of this scheme, whether for good or for evil, must depend very much on the character of the programme under which the examinations are conducted. This programme is not designed merely for the purpose of picking out a few clever boys for prizes and exhibitions. It practically guides and controls the whole system of secondary education in Ireland. The course of study followed throughout the country in each branch of learning is the course set forth in the programme; the methods of study pursued are those which are judged best fitted to gain the passes, prizes, and exhibitions offered in the programme, and the standard by which every school is judged is the success attained by its students when examined under the programme. I propose, therefore, at the outset, to give you some idea of the spirit and general character of this programme of examinations.

Three leading principles, as it seems to me, have prevailed in the construction of the programme, and have determined its character. The first is, that every branch of learning should find a place in it, which might reasonably form a part of the studies pursued in any intermediate school; the second, that no one branch of learning should be favoured at the expense of others; and the third, that thoroughness of knowledge should be encouraged, as distinguished from a superficial smattering. Perhaps I should say here that, although I speak as one who had a share in drawing up the programme, I do not intend in any way to commit my colleagues to the views I am now putting forward. When I speak of these three fundamental principles I only mean to convey that I was myself influenced by them, and that I believe they found expression in the programme as it was eventually issued by the board.

The ground on which the first principle rests is, I think, very obvious. The benefits of the Intermediate Education Act were intended for all intermediate schools and scholars: all have an equal right to share in the rewards and prizes of the Act. Now, different schools have different courses of study;—one course is designed mainly to prepare boys for a university career, or for the learned professions; another, to prepare boys for a commercial life; another, again, to prepare boys for the various departments of the public service. And it is clear that if a substantial portion of any one course were omitted from the programme of examinations, the students following that particular course would be placed at a disadvantage as compared with their competitors.

The second principle, which lays down that no particular subjects of study should be specially favoured by the programme, is much more open to difference of opinion. At first sight, I have no doubt, many will argue that it is desirable to foster, in a special manner, those studies that are best calculated to train and develop the faculties of the mind; while those studies which are less fitted for this purpose should receive proportionately less encouragement. I admit the justice of this view; but I contend that the duty of selecting the subjects to be specially encouraged ought not to be undertaken by the Intermediate Education Board. The subjects deserving to be selected for special encouragement are not the same in all cases, but must depend, in some degree, on the particular career in life for which a boy is intended. Therefore the duty of making the selection properly belongs to the heads of schools, and can be adequately fulfilled by them alone. What

seems to me, then, most desirable is, that the heads of schools should be left perfectly free to choose, in each case, that course of studies which, in their judgment, will most effectively conduce to the educational interests of the boys entrusted to their care. And this freedom is best secured under a programme of examinations in which no subject is specially favoured, and none is placed at a disadvantage.

If we accept this principle, it by no means follows that the same number of marks should be assigned to every subject; because some subjects are more difficult and require longer study than others. What follows is precisely this, that the marks assigned to each subject should be proportioned to its difficulty, and to the time necessary for learning it. If this be done, the heads of schools will be left free to select the studies best suited to their own boys; because they will know that the industry and talent devoted to them will be fairly recognised and rewarded.

It may be said, perhaps, that the rule here laid down is one very easy to set forth in theory, but very difficult to carry out in practice. I admit that it cannot be put in practice with anything like mathematical accuracy. But if my argument is a good one, the rule gives us a true conception of what we ought to aim at; and I believe it is quite possible, aided as we now are by a large experience, which is every year increasing, to approximate to this ideal quite sufficiently for all practical purposes.

The third great principle aimed at in this programme is that thoroughness of knowledge should be encouraged in a moderate number of subjects, rather than a superficial acquaintance with a large number. This principle was considered of especial importance in the case of clever students. Dull boys will naturally be restricted to a small number of subjects by reason of their limited abilities: but it was feared that clever boys would be tempted to take up an unduly large number, in the hope of winning an exhibition by obtaining some marks in all of them. The plan adopted to check this tendency was very simple and, I think, excellent in principle. It was resolved to award the exhibitions to those students who should obtain the highest total aggregate of marks made up in the following way: the marks obtained in each subject should first be reduced by 20 per cent. of the maximum assigned to that subject, and the numbers, thus reduced, should be added up to make the total aggregate. For example, the maximum assigned to Greek was 1,000; 20 per cent. on 1,000 is 200: this number, therefore, should be deducted from the

marks obtained by each candidate in Greek, and only the remainder should be put to his credit, in that subject, for the purpose of an exhibition. Thus if one student got 600 and another 300, the former would have 400 to go to his credit for an exhibition, and the latter only 100. The idea that underlies this rule is that 20 per cent. of the maximum assigned to a subject represents only a smattering knowledge, which should count for nothing towards an exhibition.

Another provision has recently been adopted by the Board with a view to encourage thoroughness of study, which seems to call for a passing word of commendation. According to this provision a gold or silver medal is awarded to every student in each grade who obtains the highest marks in any one subject. This honourable distinction, while it leaves the candidates free in the choice of subjects, furnishes to them a strong inducement to study thoroughly the subjects selected. Furthermore, these medals will be trophies of honour not to the successful candidates only, but also to the schools in which they have pursued their studies. Every school will strive to carry off as many such trophies as possible: and thus an impulse will be given in all schools to thoroughness of teaching in every subject.

Having thus sketched in outline the chief features of the system of examinations established by the Intermediate Education Board, I shall now proceed to consider whether it is a system calculated to promote the interests of education in Ireland. Before entering on this question, it may be well to lay down distinctly what I regard as the chief aim and scope of all good education: for this, I think, must be the basis of our discussion. The aim and scope of education, as it seems to me, is twofold—to train and develop the faculties of the mind, and, at the same time, to lay up useful stores of knowledge. Any system of education must be considered imperfect which keeps in view one only of these two functions, and neglects the other. I would observe, however, that they are not so independent of each other as some writers seem to imply. It is impossible to train the faculties of the mind without imparting some kind of knowledge; and it is impossible to lay up stores of knowledge without training, to some extent, the faculties of the mind.

But the question arises, Which of these two functions is the more important? Which should be the primary end of education? I have no hesitation in expressing my own opinion that it is more important to train the faculties than to accumulate knowledge. Both ends, as I have said, may be pursued

together: but the acquisition of learning ought to be made subservient to the cultivation of the mental powers. The reason, I think, is sufficiently plain. A man whose faculties have been well cultivated in youth has within him a power, not only to use well the knowledge he has acquired in his early studies, but to extend that knowledge in whatever direction he pleases: whereas if his faculties have been but little cultivated, his stores of learning, however laboriously they have been piled together, will remain comparatively useless.

The ideal, then, of a good system of education, is one in which the acquisition of knowledge is made the means of training and developing the faculties of the mind. Now the general tendency of competitive examinations is, I fear, to fix the attention of teachers and students, almost exclusively, on the acquisition of knowledge, and to offer but scant encouragement for the cultivation of the mental faculties. It is easy enough to make an examination paper a test of knowledge; but it requires skill and experience to make it a test of good training. Hence I cannot help thinking that the great development of competitive examinations in recent years has exercised, in this respect, a somewhat unfavourable influence on the progress of good education. The gathering together of information in a certain variety of subjects has come to be looked on as the one thing necessary, and intellectual training has been comparatively neglected. Nevertheless, I hope to show you that this evil, though it is more or less inherent in every system of competitive examinations, is reduced to very small dimensions in the examinations held under the Intermediate Education Board.

First, I would remind you that a very large majority of the candidates under this system—I believe more than three-fourths—are prepared in schools and colleges. Now the head master of a school holds a position towards his scholars very different from that of a grinder towards his pupils. The grinder does not profess to do anything more than to prepare each individual pupil for a certain definite examination, and to do his best to make him pass it. A head master, on the other hand, undertakes the whole moral and intellectual training of the boys entrusted to him. He is responsible, therefore, to the parents of the boys, not only that they shall be well prepared for their examinations, but that they shall be well educated; and he knows that the good repute of his school must depend, in the long run, on the success with which this responsibility is fulfilled.

But there is another, and perhaps a stronger influence at

work, in collegiate education, in favour of intellectual training. This influence consists in the academical life of the school itself: the common interest in common studies, the intercourse of mind with mind, the daily observation of failure and success, the constant process, almost unconsciously carried on, of measuring one's own powers and faculties now against those of one competitor, now against those of another; these and a hundred other subtle forces, always present in collegiate life, contribute, quite as much as rules and systems, to cultivate the faculties and to mature the powers of the mind.

Again, it must be remembered that the programme of the Intermediate Education Board sets forth a long and graduated course of studies, extending over a period of several years. A master, working under this system, has to look at each examination, not as a thing by itself, but as a part of a complete course, through each stage of which his boys will have to pass. Now, I think every experienced teacher must feel that the better he trains his boys in preparing them for each examination, the better fitted they will be to advance to the higher work that lies beyond; and thus he has a direct inducement, under this system, not only to teach them what is necessary for passing the examination immediately impending, but to cultivate as well their mental powers. The boys, on the other hand, cannot look on the knowledge they have acquired simply as a burden laid upon their memories, to be borne up to a certain day, and then to be thrown aside for ever. They will be taught, under this system, that the knowledge they are pursuing in their daily studies is necessary for their future success, that they must try to retain a firm grasp of it, to digest and assimilate it, and so to build it up into the structure of their own minds. Now I am inclined to think that knowledge steadily accumulated from year to year, according to these conditions, in a well-chosen course of study, involves a very useful kind of mental training. In fact, it would seem that the system of the Intermediate Education Board does not differ very widely from the system long established in most public schools both in England and in Ireland. In both systems there is a regular course of study, extending over several years; in both the progress of the boys, in the course marked out, is tested by periodical examinations. The only difference is that, in the one case the examiners come from within the school, in the other they come from without.

Lastly, much may be done to counteract the evil tendency of examinations, by the skill and judgment of examiners. I have said that it is more difficult to test by examinations how

far a boy's faculties have been well trained, than to find out how much he has learned: but I do not think it is at all impossible to make an examination a test of general training, as well as a test of knowledge. Some subjects lend themselves very readily to this kind of test; for example, English composition, history, translation from one language into another. In mathematics, too, an examination properly conducted furnishes a very perfect test of one peculiar kind of intellectual power. And in the natural sciences a favourable opportunity is afforded for testing the power of inductive reasoning, the power of clear and luminous exposition, the power of quick and accurate observation. Let it be once distinctly understood that in estimating the value of a candidate's paper account will be taken, not merely of the knowledge that is exhibited, but also of the manner in which that knowledge is handled, and of the style in which it is set forth, and I believe the dangerous tendency which I have been discussing will be very greatly diminished.

So far I have endeavoured to show that the system of intermediate examinations established amongst us is free, in great measure, from the objection that may be justly urged, as I think, against the general character of public competitive examinations. I would now briefly notice the signal advantages which, it seems to me, this system has conferred upon secondary education in Ireland. The first and most obvious advantage is the impulse it has given to it in every part of the country. The exhibitions and prizes offered to competition tend to make boys work with energy and perseverance; while the results fees paid to successful schools tend to make masters teach efficiently. It may be observed, too, that the influence of these rewards reaches far beyond their money value. A boy who has won an exhibition has already made a name for himself in the world, and has entered on a path in which he need but persevere steadily, and a successful career lies before him: in like manner, a school which produces year by year a large number of successful pupils, achieves a reputation which, even from a money point of view, is of more value than the fees it has earned. I am willing to admit, indeed, that these examinations do not furnish an ideally perfect standard by which to measure the merits of the scholar or of the school; but what I claim is, that they furnish a moderately good standard where no standard existed before, and that this standard has the great recommendation of being perfectly impartial.

The next advantage is that this system encourages, in a

special way, the heads of schools to provide a careful and exact training for boys of only moderate abilities. Parents often complain that in schools generally the masters devote undue attention to clever boys, while boys of average merit are comparatively neglected; and the natural tendency of competitive examinations is rather to increase this evil; for in competitive examinations, as a rule, the clever boys are rewarded, and all the rest are ignored. But it is not so under the system we are now considering. Results fees are paid to each school, not in proportion to the exhibitions and prizes it has gained, but in proportion to the number of its pupils who have passed such an examination as every boy of average ability, if well educated, ought to be able to pass. Thus the heads of schools have, under this system, a special inducement, both for the sake of the result fees which they gain, and still more, for the sake of their own reputation, to devote the same care and zeal to the ordinary run of boys as they have been accustomed to devote to a few boys of exceptional abilities.

A third advantage of the system is that it assists a clever boy, by means of the exhibitions and prizes which it offers, to pay for his education, and to open for himself a career in life. There are high authorities, I believe, who doubt whether it is desirable, by the agency of money rewards—or bribes, as some unfavourable critics have called them—to induce boys to aim at a high standard of education, and to aspire after a career which would seem to be placed beyond their reach by the circumstances of their birth. This is a large question on which I do not mean to enter just now, though I may be allowed, in passing, to express my own opinion that if the education be good of its kind, and if it be tempered with high moral principles, we can hardly have too much of it. But the practical question is not what is good in the abstract, but what is good for us now, in this country. And on this question I really think there is no room for difference of opinion. Ireland has unfortunately few manufactures to give scope to the energy and talent of her sons; her trade is limited, and the opening to a commercial life is reserved to a favoured few; agricultural pursuits are closed to a large proportion of the population; the learned professions are blocked by the multitude of youthful candidates. But the honourable career of Science and Letters is practically unbounded, and is still but scantily occupied: and that is the career which, under the beneficent action of this system, is fairly brought within the reach of all who are fitted by their natural gifts to enter upon it with distinction.

Every human work is in some degree imperfect; and the examinations of the Intermediate Education Board are no exception to this general rule. It remains for me, then, to call attention to the defects which, as I think, can be observed in the working of this system, and to consider to what extent they admit of a remedy. First, I may notice, that no recognition is given to a conversational knowledge of modern languages, nor to vocal and instrumental music. This is much to be regretted, but it seems almost inevitable. The system is so constructed that every examination for which a candidate presents himself is practically a part of a great competitive trial; because the marks obtained in each subject help to swell the total aggregate according to which the exhibitions are awarded. Now it is not easy to see how a competitive examination can be conducted at 150 different centres in such subjects as vocal and instrumental music, or the conversational knowledge of modern languages. If the examinations were held on the same day in all the centres, the number of examiners required would be very great, the expense would be therefore excessive, and there would be, in addition, this great inconvenience, that the different examiners would, most probably, estimate the merits of the candidates according to widely different standards. If, on the other hand, the examinations were held successively at the different centres, they would extend over a considerable period of time, and there would be great difficulty and expense in bringing the candidates together. I confess I see no adequate remedy for this defect, which seems inherent in the system; and I only mention it for the purpose of fixing attention upon it, and in the hope that as time goes on some partial remedy, at least, may be discovered.

Similar to this is another defect, of much wider range, and, as many will think, of far more serious importance. Every kind of *vivâ voce* examination is excluded from this system. I freely admit that this is a defect: and I equally recognise that it cannot be removed. Nevertheless, I do not think that it mars, to any serious extent, the great benefits which have been conferred by the Intermediate Education Act. The advantages of *vivâ voce* examination I conceive to be twofold. First, it enables an examiner to search into the thoroughness of a boy's knowledge, and it brings out certain faculties of a boy's mind which cannot be so well displayed by means of a written paper. Secondly, it stimulates, in a peculiar way, a boy's mental faculties, and trains him in a particularly useful kind of intellectual exercise. In the first respect a *vivâ voce* examination is a *test* of education; in the second respect, it is

a *means* of education. Now it is important to observe that there is nothing in the Intermediate Examination system to interfere with *vivâ voce* examination as a *means* of education. No doubt this particular kind of exercise is wanting in the annual examinations held by the Board. But it may be found, and ought to be found, in the work of the school from day to day, in the monthly revisions, and in the periodical examinations, by which the progress of the boys is tested and their industry stimulated. Hence the defect in question amounts to little more than this, that the intermediate examinations, considered as a method of testing the merits of candidates, are wanting in one element which would be necessary for ideal perfection; that examiners may be sometimes mistaken in their judgment, and that some boys might stand a little higher on the lists, others a little lower, if the system of written papers could have been supplemented by *vivâ voce* examination. Viewed in this light the want of *vivâ voce* examination, though certainly to be regretted, can hardly be regarded as an evil of very serious magnitude.

A third defect that seems to call for notice is one which happily admits of easy remedy. Good penmanship is not in any way rewarded, or even recognised, under this system. Now, it will hardly be denied that good penmanship is an element of some importance in secondary education; and there is little doubt that it will be generally neglected if it continue to be ignored in the Intermediate Examinations. I would propose, then, that a certain proportion of marks should be assigned, in every paper, to the penmanship and general neatness displayed in the production of the paper. The proportion may be so adjusted that the maximum of marks which can be gained for penmanship shall not exceed, in the aggregate, 150 or 200, even in the case of boys who take up a large number of subjects. This moderate amount of encouragement would help to maintain in our schools that skill in penmanship which, though it may be called merely mechanical, is always a pleasing accomplishment, and in many positions of life is absolutely essential.

A much more serious drawback to the educational value of this system is the one to which I next propose to invite your attention. I have said that it was the aim and object of the Board to encourage thoroughness of knowledge in a limited number of subjects rather than a superficial smattering of a large number; and I pointed out the means adopted in the programme to attain this object. Now, I think it must be admitted that these means, though good as far as they go, have

proved insufficient. The published results of the examinations would seem to show that the boys whose names stand highest on the list of exhibitioners have taken up, in many cases, an unduly large number of subjects; while the marks they have obtained in each subject do not represent that thorough knowledge which might fairly be expected from clever boys.

I will take an example from the junior grade of last year. There were seventeen subjects of examination open for selection; and I find that the boy whose name stands highest on the list of exhibitioners presented himself for examination in fourteen of these subjects; the second in order presented himself in fifteen, and the third in thirteen. When I look to the marks obtained, I find that the first exhibitioner got only 600 out of 1,000 in Greek, 534 out of 1,000 in English, and 85 out of 150 in physical geography. The second exhibitioner got only 570 out of 1,000 in Greek, 135 out of 500 in Italian, 55 out of 200 in book-keeping, and 55 out of 300 in botany. The third exhibitioner got only 584 out of 1,000 in English, 165 out of 500 in music, 128 out of 500 in drawing, and 49 out of 150 in physical geography. I would hardly object to those marks if there was question only of passmen. But it must be remembered that the three boys before us are presumably the best three boys out of very nearly 3,000, from all Ireland, who were examined last year in the junior grade; and I decidedly think it would be more desirable, in the interests of good education, that they had studied fewer subjects, and knew them more thoroughly.

I would propose two remedies to check this evil tendency. First, I would put an absolute limit on the amount of matter which a candidate may present for examination; and, secondly, I would attach special value to high proficiency in each subject presented.

As regards the first of these two remedies, the chief difficulty is how to fix the limit. Some subjects, being much more difficult than others, carry much higher marks. Hence, if the limit were put directly on the *number of subjects* that a boy may present for examination, there would be a strong inducement for clever boys to take up the subjects that carry high marks, and to omit the subjects that carry low marks. This would be practically equivalent to a ban upon the subjects to which low marks are assigned. In the struggle for pre-eminence these subjects, however well-suited they might be in many cases from an educational point of view, would be altogether neglected by clever boys.

I would propose, then, a somewhat different method.

Instead of fixing the number of subjects which a candidate may present—eight, or ten, or twelve—I would look to the aggregate maximum of marks assigned to the total number of subjects from which he is free to select; and I would fix the proportion of that aggregate, say two-thirds, which he may not exceed in making his selection. For example, if the aggregate maximum were 9,000, I would require that the subjects presented for examination should not, when taken together, carry a maximum of more than 6,000. This limit would really comprise two-thirds of the whole range of subjects, not necessarily in point of number, but in point of difficulty; and it would have this advantage, that it would not set a premium, or impose a penalty, on any particular subject. In recommending this plan, I do not mean to attach any importance to the exact proportion I have suggested, though I do think that two-thirds of the whole range of intermediate studies would be found in general to afford an ample field for intellectual effort, and yet not too ample for such thoroughness as may reasonably be expected from boys.

The second means by which I would propose to encourage thoroughness of knowledge is to attach a double value to all the marks obtained in each subject above 60 per cent. of the maximum. It is the marks between 60 per cent. of the maximum and 100 per cent. that really represent high proficiency in any subject: and as high proficiency is a thing difficult to produce, and especially worthy of encouragement, I would give to these marks a double weight in estimating the merit of a candidate.

This proposal does not involve any change whatever in the present system of marking the papers, or of recording the marks awarded. What I would suggest would be simply to add a new column to the table of results. I would call it the column of *excellence*, and in it I would set down to each candidate the sum total of all the marks above 60 per cent. of the maximum which he had obtained in the several subjects presented. The marks awarded in this way, for excellence, would of course be added in to his aggregate total, and thus they would be counted twice over in his favour, that is to say, they would be counted as marks of double value. Further, I would suggest that gold or silver medals should be awarded, in each grade, to the three boys who obtain the highest aggregate of marks in the column of excellence.

As an improvement, in a matter of minor detail, I would suggest the introduction of a system of negative marks, that is, marks to be deducted, not added. For example, I would

give negative marks for bad spelling. I find, among the rules of the Board, that 'if a student exhibit gross ignorance in English orthography, he shall not be entitled to pass.' Now this is hardly just. It is either a capital sentence or a complete acquittal. If a student spells badly, but the examiner thinks his blunders just fall short of 'gross ignorance,' he is as well off, under this rule, as if he made no mistake at all. Moreover, the severity of the sentence seems likely to defeat the object in view. Examiners will be slow to recognise the existence of 'gross ignorance' when they remember that it is punished by loss of the examination, just as juries were reluctant to find men guilty of sheep-stealing so long as it was punished by hanging. Under the plan of negative marks which I propose, the penalty would be exactly proportioned to the offence, and would never be excessively severe.

Again, I think the penalty of negative marks should be attached to any answer that exhibits gross ignorance or incapacity. The ordinary practice, I believe, is simply to give no marks for such an answer. Now, I am inclined to think that the total number of marks obtained, under this practice, does not represent the real judgment of the examiner on the value of the paper. Suppose I examine a boy *vivâ voce*; he answers three or four questions well, and I form a good opinion of his intelligence and his information. But in reply to further questions, I get from him two answers which betray gross ignorance in the elements of the subject. Does my judgment of that boy's proficiency remain unchanged? Do these two answers stand merely as blanks in my estimate of his intellectual merits? Certainly not: I give him credit for what he has done well; I count against him what he has done badly; and my judgment of his success is formed by striking a balance between the good and the bad. Now, if his answers are put on paper, why is it that I should give him credit for what he has done well, and simply take no account of the ignorance and incapacity he has shown in what he has done badly? My view, on the contrary, would be, that gross ignorance or incapacity exhibited in answer to any question, detracts from the value of good answers given in other parts of the same paper; and I would represent this loss of value by awarding negative marks for such ignorance or incapacity.

The papers set in some subjects have been occasionally so long that it would be impossible to answer them, with due deliberation, in the time allowed. Now the singular injustice involved in this circumstance has not yet, I think, received the consideration it deserves. A boy who is thoroughly well

prepared in the whole range of a subject, and who is capable of answering well every question put, ought to be placed in a position in which he can gain the maximum of marks assigned to that subject. But you make it impossible for him to gain the maximum of marks, if you set him such a paper that the mere work of writing down the answers would require four hours and you allow him only three hours for doing it. Is it not evident that this course reduces the boy of highest excellence, the boy who should be especially encouraged and fostered, to the level of a boy who is far inferior to him? Take an examination paper with twenty questions. One boy can answer them all, but you give him time only to answer fifteen. Another boy is ignorant of five out of the twenty questions, but he answers the fifteen that he knows. The two boys are thus brought to the same level so far as regards the extent of knowledge they exhibit, though one knows only three-fourths as much as the other.

But the evil does not stop here. The boy who knows his business best is actually hampered by his superior knowledge. He has glanced over the questions, and he feels confident he can answer them all. But, in his eagerness to get through the work set before him, he writes with precipitate haste, he cannot allow himself time for a moment's thought; and under these conditions, who will say that he can possibly do justice to the knowledge which he had been steadily accumulating, and to the faculties which he had been carefully training, during his previous course of studies.

I have often thought it would be desirable that each examiner should furnish to the Commissioners a full answer to his own examination paper, such as, according to his judgment, would entitle a candidate to the maximum of marks. A practice of this kind would afford the best means of estimating the fitness of an examiner for his work; and incidentally it would show how far the questions set could be answered, with due deliberation, within the time allowed.

In the last place I would notice a rule, recently made by the Board, which is limited, no doubt, in its scope, but which, so far as it goes, is calculated, I think, to spoil the education of some of the best and most promising boys in Ireland. According to the Act of Parliament, a candidate who has gained an exhibition cannot continue to hold it after the first year, unless he pass a qualifying examination in each subsequent year for which the exhibition lasts. This is perfectly right and just. But the Board propose, after the present year, to exact a condition not required by the Act, namely that the

qualifying examination shall be passed in the subject matter of a grade higher than that in which the exhibition was obtained. This rule compels every boy who has gained an exhibition to pass on to a higher grade the next year, under the penalty of losing his exhibition.

Now I contend that, in many cases, it would be much better for the boy's education that he should remain another year in the same grade. Take the case of a clever boy who gains an exhibition, in the junior grade, at fourteen years of age. He is very quick in picking up knowledge, and he is ready in using it. If he remain another year in the junior grade he can acquire a more firm grasp of what he has learned, perhaps, too quickly in the first instance; he can make his knowledge of the elements more thorough, while, at the same time, he can extend his reading with some degree of leisure and deliberation, and lay well the solid foundation of future scholarship. If, on the other hand, he is forced on to a superior stage, under high pressure, he may possibly become a youthful prodigy, and even win new exhibitions as he goes along; but his memory will be unduly strained, his knowledge will be ill-digested and imperfectly assimilated, and in the tumultuous haste of his onward progress the best faculties of his mind will be left uncultivated and unmatured. It seems to me that, in the interests of his education, such a boy should be rather held back by his masters than pressed forward. But under the proposed rule, if he goes forward he can retain his exhibition; if he stays back he loses it. The rule, therefore, practically forbids him to do what is best for his education, under the penalty of forfeiting his exhibition.

While I have thus frankly criticized what I conceive to be the defects of this system, I wish not less frankly to acknowledge the great benefits it has conferred on the cause of education in Ireland. It has been conceived in a spirit of justice: it has been administered with ability and impartiality. It is certainly not ideally perfect; but it meets a pressing want in a practical and efficient way. The Irish people are endowed by Nature with great talent, with great energy, and with noble instincts. If these high qualities are to contribute to national prosperity and intellectual progress, they must be carefully cultured by education; and yet, strange to say, all education of a higher kind has hitherto been, I will not say absolutely withheld from Ireland, but I will say confined to a very limited section of the population. There exists amongst us a great mine of intellectual wealth, which, for centuries, has lain neglected and unworked Now it seems to me that the Inter-

mediate Education Act of 1878 has sunk a shaft into this mine, not here and there only, but in every centre of population throughout the length and breadth of the land. A new spirit has been evoked; activity and energy are everywhere apparent: and I feel confident that from each one of these centres will soon come forth young men whose education has been not unworthy of their natural gifts; whose intelligence has been sharpened, whose judgments have been matured, whose memories have been stored with the wisdom of the past; men fit to take a part in the onward movement of the age, to advance and elevate their country, and to add new treasures to the intellectual resources of the world.

On the Same.

By Rev. ROBERT RICE, M.A., Ch. Ch. Oxford, Warden of S. Columba's College, Ireland.

BETWEEN University Education on the one side and Primary Education on the other, a very wide field lies, which is covered by the word Intermediate.

It is necessary at the outset of our discussion to define this. Properly speaking, it would seem to embrace that course of mental culture which rises above the studies of a national school, and yet does not reach the level of university subjects. But this is neither an adequate nor a useful definition. We have here three grades of study, and only two periods of life for their pursuit. Excepting in the case of the few youthful phenomena, Intermediate Education does not, like Primary Education, begin and finish a boy's school course. For a while the elements of the former run on parallel lines with those of the latter, but its distinctive course travels higher, and soon develops two branches—*first*, that training which leads on naturally into university subjects, and therefore receives its colour, and probably a considerable amount of indirect dictation from the university curriculum, and which contemplates the spending of eight or ten years of uninterrupted culture; and *secondly*, that which proceeds on the assumption that the years of education are four or five, and that professional or mercantile occupations are to supersede school life at the age of fifteen and sixteen.

We come then at once upon a problem, bifurcation. Intermediate Education needs to be divided into—1. Higher Intermediate Schools; 2. Middle-class, or Commercial Schools.

That each of these two needs separate teaching power, separate books, a separate time-table, and a separate organisation of classes, is, I think, self-evident. That one student cannot successfully pursue both together is, I think, also clear. Two or three interesting questions here suggest themselves. Has not higher intermediate education now become subdivisible into a higher classical and a higher modern branch? and, again, Are not these higher schools now required to complete the work of education, and to equip their pupils to pass at once without a university course into active life? And is there not in this country a habit of letting university education run on simultaneously with an apprenticeship in business, and the lower branches of Government service, thereby minimising the educational advantages for which a university training is so much to be prized?

But these questions I must lay aside, and come back to inquire how far intermediate education in this twofold character was provided in Ireland before the Act of 1878.

In England there has been for a long space of time an ample supply of the first class of intermediate schools. There is the Eton and Harrow type, and the less expensive Marlborough and Uppingham type—some resting on old and rich foundations, others self-supporting and proprietary. Then there are the large City Day Schools, such as the Birmingham, and the City of London School; and there are the various County Schools, as they are called, of recent growth, such as Cranleigh, in Surrey, the Dorset and the Norfolk, the Bedford and the Devon, East and West County Schools; and there are the special class schools, like the Medical Benevolent College at Epsom and the Clergy Sons' School at Canterbury. And, again, below these are Hurstpierpoint, Trent College, Denstone, and others of the same class. And even yet it is urged that England still needs a lower middle class style of school—day schools within the reach and the means of small shopkeepers in country towns or larger villages, and of the smaller farmers.

But in Ireland we have, to begin with, no Etons, and we do not require them. We have a certain number of that sort of school which, while charging one-third and one-fourth of Eton's charges, is dealing out the same class of education—I mean, training distinctly for the university. But many of these same schools, and a swarm of others up and down the provinces, are, as a matter of fact, trying to supply whatever is asked for. They cannot afford to be eclectic. They are patronised by a motley class, some asking for one sort of

training, some for another; and the necessities of existence force the master to attempt what would be well-nigh impossible, even if his staff were ever so large and well remunerated, and his endowments ever so ample. Of this sort of makeshift school one can only say it is a blot on our system.

I do not think it is too much to say that, in point of numbers, Ireland could very well do with fewer schools. If an amalgamation were possible, if forces could be united and economised, the intermediate education might be much improved in quality, and probably cheapened. But every one knows that this amalgamation is impossible for various reasons, among which the most prominent is the religious difficulty—one which is entitled to respect, and which, I am thankful to say, is not confined to one religious body only.

In this condition the Act of 1878 found us. Two comprehensive schemes and sets of schools existed side by side; Protestant, or non-sectarian, on one side, Roman Catholic on the other. The latter had no State endowment: they had no endowment, strictly so called, at all (so far as can be ascertained). The schools were mainly the creation of the Church, not of private speculation. How far they were subsidised by the Roman Catholic Church directly, or by religious corporations within the Church, or indirectly by being provided with buildings, or by being able to command the gratuitous services of teachers, others may be able to tell. How far they were self-supporting and financially successful, no one outside that Church, and probably not very many within it, can tell. But beyond doubt they grew up and multiplied, and appeared to flourish and to do varied work. The value of their intellectual work was perhaps little tested before. But it has signally vindicated itself under the administration of the Act.

The other class of schools consisted of institutions living much more under the eye and favour of what public opinion exists in Ireland. The inner life of these had been laid bare, voluntarily and involuntarily. Many were governed, and boarded, and committed, in the strongest sense of the terms; their work was tested, inspected, and chronicled. They enjoyed the healthiness of being feeders to a university, and they laboured under the unhealthiness of having but one university of any age and traditions to feed, and but one college in that university. On this side were endowments, royal, ecclesiastical, and private. But such endowments were not very ample, and did not always promote success, nor even preserve from decay and inanition. The Commission on Endowed Schools, more than twenty years ago, had

reported that the state of intermediate education was most unsatisfactory, and he would be a bold man who would assert that, taken as a whole, that condition had improved since. There were also numerous private schools, of mushroom growth, with none of the elements of permanence in them beyond that of a single life, yet industriously and conscientiously working—whether profitably or not it is, from the nature of the case, impossible to say.

Thus a large amount of scattered and heterogeneous power was at work in Ireland—badly economised, unsystematic, diffusive.

The Act of 1878 came in and aroused *all*, absolutely *all*, of these working bodies to a common field of exertion.

If well conceived and wisely developed, an Education Act which could thus concentrate the scattered energies of men and boys, and bring all to a common test of merit, would be a boon calculated to benefit all, and to promote the true interests of education.

What, then, was the Act?

Its principle was to institute no inquiry into modes of instruction, to provide no inspection, to touch no internal organisation, but to deal solely with results, to test the manufactured article, and to distribute rewards thereon.

Of course it fell back on the one great refuge of necessity, which the nineteenth century has in her wisdom set up as her idol, and still worships, although every votary vilifies and condemns it, and bewails the adoration while he offers it—Competitive Examination.

What else could be done? For the problem was not solely an educational one, but a political one too; and the ordinary terms upon which subsidies are granted by Government for education elsewhere could not be introduced here.

Having adopted this agency, need it be mentioned that the magnetic power which kindled and concentrated this mental energy was *money*? I cannot see why we should shrink from admitting and approving this. Until the liberator arises who will release us from the tyranny of examinations by substituting some other test of industry less open to abuse, we had better make the best of our lot. And until human nature is revolutionised, it is mere affectation to bewail that intellectual ability is a marketable thing which has its price, and deserves to receive it. It has been lately stated* that to pay boys and girls for learning is a novel plan, and one unworthy of any

* See the Report of the President of Queen's College, Cork, for 1880-81, p. 6.

country anxious to promote knowledge and true education. I cannot admit that there is any novelty in offering exhibitions to young students, and I venture to maintain that this system has been the means of raising to literary and scientific eminence many youths whose parents could not otherwise have sent them to good schools at all; and that it is every year helping to ease the task of educating large families. Is there any substantial difference between receiving pecuniary help from a patron to prosecute one's studies, as Dr. Johnson did at Pembroke College, Oxford, and Oliver Goldsmith did at Trinity College, Dublin, and earning that help by one's own exertions? And is it any more an unworthy thing to make one's studies self-supporting than to make any other occupation pay its own expenses?

Now this central examination system has, I am forward to avow, been a benefit.

It has come to the aid of schools, and offered, at their own doors, to test their work for them year by year, to value it, to compare it with other schools, and to reward it. It has provided every school with an annual examination, *absolutely free of cost*, examiners and prizes, superintendents—even stationery and postage—throughout the country, and rewards in money, both to teachers and taught, to an amount which far exceeds any existing scheme in any country for an equal number of students.

The question is—Whether this examination scheme has been laid on judicious lines.

I venture to ask for it a qualified approval, and to give such reasons as have forced themselves upon my conviction, to explain wherein an approval needs to be qualified, and how the objects which education has in view may be better promoted.

Let me take the money question first.

The Act established a system of pecuniary rewards, 1st, and chiefly to teachers; 2nd, and less liberally to students. In the first year of its operation, when 60 per cent. of the candidates passed, it distributed 7,500*l.* in results fees to teachers; and 4,500*l.* in rewards of money and books to students. In the second year of its operation, when the percentage of passes rose to 72, and when the number of candidates of the prescribed age had increased from 3,400 to 5,100—*i.e.* 50 per cent., it gave 9,700*l.* in results fees, and 9,000*l.* in rewards. But the report of the second year, while pointing out that the conditions for passing were not identical in the two years, omits to state whether they were made more stringent or less so; and

it further omits to indicate that the increase in the rewards to students of the second year affords no ground for any inference, because the 9,000*l.* includes not only the exhibitions of 1880, but many of the exhibitions gained in 1879 which were tenable under certain easy conditions for the following year, whereas the results fees in 1880 were an entirely new item.

It is thus evident that the results fees payable to teachers are the larger part of the subsidy to education afforded by the Act.

It is also within the recollection of every one that this portion of the Act met with great favour, that it was supposed new schools would spring up and be maintained by results fees. Meetings were held in many provincial towns, with a view to starting such schools for the neighbourhood without delay. What has happened?

I am quite sure that whatever schools may have been brought into existence, the results fees cannot possibly support them. In the years 1879 and 1880 the results fees have averaged 2*l.* per head of the students within the prescribed ages who were examined. If you remember that probably not more than two-thirds of the gross number of students in any school went in for these examinations, you will see how illusory all those hopes have hitherto proved. It is computed that the cost of teaching in the primary schools of England is 30*s.* per head per annum. I have taken no account of privately prepared students, for the number must be inconsiderable out of the five or six thousand candidates. For my part I cannot regret this disappointment. Intermediate education might have been widened a little by such a crop of new schools, but it would not have been raised. Nevertheless the results fees must be conveying large sums into the coffers of existing schools, and to endowed and unendowed schools alike. That is patent to all. But how these fees are being used, we have no means of knowing—whether the teaching staff is sharing them, whether the proprietor of a school is keeping them, whether any tax is being levied upon them by patrons, ecclesiastical or otherwise, whether they are being employed in reducing school charges to parents; all this is out of sight, and therefore the question whether they promote education in a right way cannot be answered with any confidence.

But this double system of money rewards labours under a defect: that the race for the one interferes with that for the other. The interests of students are bound in the long run to clash with those of their teachers. And if this is so, a very undesirable condition ensues.

The intention of the results fees was laudable, but it started from fallacious premises. It was argued that a teacher should be encouraged to devote time and patience conscientiously to the dull plodding average or backward pupil, and that such work should be the measure of his reward. It was argued that if teachers were to be rewarded in proportion to the success of their pupils, the temptation would be strong upon them to race for the prizes; in other words, to press on the most talented of their pupils; and what then would become of the rest of the school—the more numerous portion? Therefore a low standard for passing was fixed, to which it was supposed that any average student could be brought up, with his teacher's diligence, and upon that the results fee was calculated.

But I fear it has broken down even in its own aim, and I think it is open to objection in itself. It breaks down because there is no means of discovering that the students brought up to a pass are the dull and industrious rather than the talented. If the conscience of the master is to be kept up to the mark, we ought to be informed what proportion the actual passes bear to the possible passes of his pupils. And into this calculation must enter the gross number of pupils in his school, and their ages. I am not sure that we do not require a rule that every student in a school should be sent in for the examination, or every one over the age of fourteen. The public, at least, need to be put upon their guard against drawing inferences about the comparative merits and demerits of schools, from the published results of the intermediate examinations. It was confidently asserted at the outset of the scheme that a basis for forming this judgment would be inevitably afforded to the public, without partiality. You will observe that the advertising schools duly tell you the proportion of successes to failures, not the proportion of successes they win to the gross number of their students. And this makes a great difference to the look of the thing, for of course the certain failures are never sent in at all! Now all this inquiry, so essential to the system of payment by results, is banished from the four corners of the Act of 1878.

And so, too, the very idea of inspection was cried down. The introducers of the Bill did indeed tell us during the debates in committee, that inspection would be one of the duties of the Assistant-Commissioners. But they were reckoning too quickly. Sleeping lions were in the way, and they had to be left undisturbed. Consequently the public are unable to ascertain, among other things, how schools are organised and disciplined, what the qualifications of instructors are,

what the time-table is, how the attendances are registered, what is the mode of disposing of results fees, and whether the conscience clause is a living or a dead one.

Every artificial stimulus to the conscience of the teacher is a mistake. And it is strange that his conscience should be thought so much more in need of stimulus than that of the pupil. With the pupil a kind of sympathy has been evoked which is carrying us away with it. It is thought that the talented boy is attractive to his master, and the dull boy unattractive; that the one is easy to teach, the other needs skill; that the master needs no incentive to do his duty towards the former, but rather a counter inducement to divide his time and patience among all. It is forgotten that what attracts a teacher is industry and receptivity. And the easiest boys to teach are those that desire to learn, which is a very different class from those who can learn easily. These latter are often the worry of a teacher's life—and this Act gives him nodirect incentive to advance his pupil beyond a certain very low standard. It may be the teacher's results fee is earned upon an idle clever pupil, or one who might have done much better; and had the Act made the results fee an increasing rate according to the merit shown, it would have been wiser. As it is, no sooner has the teacher brought his pupil up to a point where he can make sure of scoring one-fifth of the marks allotted, than his interest leads him to take up another subject—and the more of them he can add to his collection, the larger his reward. But the pupil is thus sent out, like a young Autolycus, decorated and 'caparisoned' with odds and ends of knowledge of a motley description, a little Latin, a little Celtic, a little Botany, a little Algebra, almost to 'four-and-twenty nosegays.' A remedy for this evil might be found by making the results fee calculated not as at present as a percentage on the total number of marks assigned to the subject in the programme, but on the number of marks obtained by the student. It would have to be a larger percentage of course—and there would be some additional clerk work involved. But at least an existing evil would be arrested. And the neglect of the ordinary pupil might be prevented by making all such fees dependent upon a certain proportion of a school attaining the pass standard.

It is no reply to this objection to say that the exhibitions open to the cleverer students will stimulate the master to do his work for his reputation's sake, because those exhibitions are at present quite a lottery. No amount of success will guarantee to a student an exhibition. No standard is set to him to

reach. If he is rewarded, it is not because he has done pre-eminently well, but because nine others have done respectably. Go now into a school and enquire. It is not the most talented and most promising boys that will be found to have won the exhibitions. The best classic and mathematician is as likely as not to have failed to win, because he could not or would not multiply collateral subjects, or because the grade he happened to be in had an inferior rank and file; while it is demonstrable from the figures already published during the last two years, that the higher the grade, the more numerous are the cases in which brilliant marks in the hardest subjects gain no exhibitions, owing to the system of conditions imposed. Taking the maximum of marks in each grade as about the same, it will be found that a lower standard will secure an exhibition in the junior than the middle, and in the middle than the senior grade.

But to leave the money question aside, what is needed to make this Act better promote intermediate education?

Two things of a very vital character. (I.) It attempts too much. I waste no time in arguing that it is impossible to include boys and girls under one scheme. The idea is simply outrageous at present. I do not venture to give an opinion about the future. Little by little the administrators of the Act are admitting this. Even from the first, they applied mathematics differently to the two sexes. Now that difference is extended to the languages, and to the award of medals. Either the girls must be content to enter into competition on equal terms with the boys, and into the same lists, or they must have a separate programme altogether. At present they are only in the way, and no one can wish that misfortune to continue. But quite apart from this question, no one scheme and programme can possibly satisfy the different classes of Intermediate Schools. Distinct schemes are at work in England, and we in Ireland need not only such a system as that which the English Universities undertake for the examination of public schools, and such a scheme as that known as the Oxford and Cambridge Local Examinations, but one more definitely reduced to a middle class standard. As it is, all schools are crushed together into one groove, and all complain that it is a Procrustean bed. The praiseworthy idea that a programme could be framed comprehensive enough for all has broken down, as might have been foreseen. As soon as these various separate subjects came to be valued and marked, then came to light the incongruous and incompatible nature of the scheme.

To amass marks became the great aim for all, and so the

trespassing system was called into play—classical schools reaching out after natural sciences, and flattering themselves that this was liberal culture, suitable to modern ideas; on the other hand, technical and commercial schools began, with equally good faith, and from motives quite as exalted, to grasp at some additional literary work; many of us, perhaps, suddenly became seized with a conviction that bookkeeping or Celtic or animal physiology or music were essential to the due cultivation of our pupils' minds, and we were surprised we had never thought of this before; while in some subjects which we had hitherto pursued, as European history and advanced geography, and classical philology, we had been erring. Such at least would be the lesson urged by this programme.

As long as this comprehensive programme remains, and no restriction is imposed upon students' attempts to cover the whole of it, so long will the cause of real education suffer. I hope the day may not be far distant when we shall be content to learn a lesson from our neighbours in England—a lesson laid before our eyes long ago, but in the days when we were confident in our own judgment.

When such restriction of subjects has been recognised as desirable then one step will have been taken towards that further end which I for one desire to see attained, by which the intermediate scheme may be divided into an upper and lower grade, so that schools may affiliate themselves according to the circumstances which surround them, and that each may keep to its own field, and reap its own due reward. Such lower grade might relieve the present programme of some of its easier and lighter subjects, and might adapt itself to junior students, say, of the age of thirteen or fourteen. And thus another object which the framers of this Act had in view might be attained, viz., to enable promising students to rise from a lower grade of education to a higher. At present this is only done to a very limited extent, and only by a sort of purchase, or, as some call it, a kidnapping system, pursued by the larger and more prosperous schools, guided by a close scrutiny of the published marks.

(II.) Another defect which needs to be remedied touches the interests of students even more closely. While it has been beneficial to bring them into a public competition as wide as the four corners of Ireland, and still more advantageous to require every student to be able to bring the results of his study to a focus, yet every genuine student enters the lists under this disadvantage, that he is not encouraged to have any strong subject. A dead level is aimed at. To drive every subject

abreast seems to have been the object of the programme. If a youth shows early any genius for mathematics, he is as good as told by this scheme that he must curb it. To go further than the third book of Euclid or easy quadratic equations, or to open a Virgil or Horace until the age of sixteen, is now discouraged, and to open a trigonometry or to write a Latin verse until seventeen. And so of every subject, no advanced questions are admitted to test higher reading; no honour course is held out. If the human mind would submit to treatment of this kind, such an arrangement might be reasonable. But, happily, it never has proceeded in such a symmetrical way, and it never is likely to do so. And therefore this programme hampers and curbs every effort to reach out beyond an average line mark. It becomes, therefore, impossible to educate by the programme, and different masters must have found they have to bolt away from it at different points. Three years ago I pleaded earnestly against prescribed text-books of authors, but it was of no use. Schoolmasters had to submit to be sent all into one groove, and I am bound to add that the majority of them wished to have it so. I don't know whether they have changed their minds. But surely it weakens a master's teaching power, just as it would any other professional art, to force him to adopt instruments which he may not like, or with which he may be unfamiliar. Yet this is what is being done now. And surely, too, the mental diet that may suit one set of students may be far from the best to adopt for all.

To the question, therefore, whether the Intermediate Education Act of 1878 has promoted or retarded the cause of education, I should reply that for the middle and lower classes of intermediate schools I am insufficiently informed to answer; but for higher intermediate schools my reply is:—

1. It has created an interest in work, and an opening for distinction where it was most needed, viz., in the middle parts of a school and among the average boys, which inspirits both them and their masters.

2. It has forced the upper forms to look carefully after their groundwork, which they are, as a rule, too apt to despise and neglect.

3. It has given us, *at no cost to ourselves*, an annual examination impartially conducted, and conducted, as a whole, with great ability.

4. It has endowed every school with such endowments as they deserve to reap, though without very satisfactory discrimination.

But, on the other hand, it has upset and impaired much that was good. It has been a Coercion Act without adequate compensation for disturbance. It has very much increased and complicated the work of school organization, for no school can classify its pupils according *to age*, and never until now was directed to embark in the attempt. It has banished several subjects of study and impoverished others, and it has admitted a number of minor subjects in which a little cram enables a student to score marks. It has put out of court the neglected, backward boy, who is unable to keep pace with his years—he and his instructor receive no recognition and no stimulus—and it has tended to bring down forward boys to a uniform and depressed level, where they want to advance quickly. And it fails to take cognizance of the different conditions affecting schools in town and country respectively, and of social rank and prospects in life. It has failed to give the public any trustworthy index to the merits and demerits of schools.

Other faults there are which we hope to see cured in time, such as the fluctuation of the standard, want of judgment in graduating the course of work, an excessively lavish award of so-called merit by means of a low-pitched standard for honour marks; errors which were inevitable in launching so large a scheme. And one most remarkable omission will surely not remain much longer, viz., withholding from publication the opinions of the examiners on the work of the students. At the same time many serious pitfalls have been avoided; abuses have been foreseen and guarded against; and, at least as far as relates to the administration here in Dublin, a wise and large-minded policy has prevailed with the Board in taking and accepting such help and counsel as were to be had, and in discarding unnecessary official reserve.

It must also be confessed that the obstacles to a successful working of the Act are many. I do not think that the writers of flippant reports,* based upon what is miscalled 'inspection,' or the contributors to monthly magazines give us any help towards solving the problems. I should feel rather disposed to glean lessons from kindred schemes in other countries, and among them I think that Mr. Mundella's recent paper of proposals touching primary education in England is well worthy of attention. He is inclined to abolish the

* Blue Book, in two volumes, containing Evidence and Report, compiled by the Commissioners of Endowed Schools (Ireland), 1880, and *Fortnightly Review*, August 1881.

system of payment by results, and to base payments upon the average of attendances during the year, trusting to inspection to fulfil the function of examination, and to ascertain the deserts of teacher and pupil. The annual reports of the Oxford and Cambridge local delegacy supply useful experience also.

Having thus dealt with the Act of 1878, I would ask permission, in conclusion, to say two words on the prospects of intermediate education in Ireland.

Surely in viewing the outlook we are bound to glance beyond the effect of these examinations. Just as those who would review the results of primary education will inquire what moral effects are visible—whether, for example, there is a diminution of juvenile crime, whether the population seems to be growing more humanised and civilised—so, in taking a survey of intermediate education, we shall hope hereafter to see visible moral improvements. It is too early as yet to conjecture what shape these may take. But if six or seven thousands youths are being brought within the influence of these studies year after year, and a proportionate number of teachers are engaged in imparting them, whatever may be the percentage of passes and distinctions in the examination, it is a consolation to know that a literature wholesome and improving is being studied, that a taste for science is being fostered, that habits of accuracy and clearness of method, tenacity of memory, intelligent observation—these are not only mental but moral qualities—are being quickened, and that out of these will be developed characters and faculties which will adorn and serve this and future generations.

One thing, however, must be noted as hindering the promotion of intermediate education at present. We suffer much, first, from the terrible neglect of early home teaching, and secondly, from self-certificated teachers, and from too juvenile a class of masters. In itself it is a laudable thing enough that a young man should desire to maintain himself, or eke out his own college expenses by taking tuitions. But it is pernicious to education. And as long as this tinkering way of teaching young boys continues, and as long as parents are reluctant to spend on their children's education enough to ensure them the advantages which a school should offer of a well-appointed staff of masters, well-organised classes for competition, combined with the wholesome discipline of school life, so long will Ireland remain behind her neighbours in the calibre of her schools. We schoolmasters know that boys are in the habit of being sent to us far too late, and far too ill-prepared in elementary knowledge. The art of training little boys does not

seem to be studied in Ireland. The untrained and more or less irresponsible tutors (I had almost said charwomen) are too ambitious, and disdain to begin at the very beginning. And hence one of the first things which our schools have to do when they receive a boy is to teach him how to begin to learn, to overcome his antipathy to system and method and accuracy, and to teach him that fluency of expression containing a modicum of sense, which he has gathered like a parrot, is no substitute for clearness of thought and definiteness of comprehension.

How this reform is to be brought about is another matter. Whether the great public schools of England first collected their splendid staff of masters, or parents first sent their sons to these schools in trust that the staff would be forthcoming, is beyond our means of ascertaining. But till these two improvements meet one another I don't see what is to raise intermediate education in Ireland. Whether it is a want of affluence among parents or the want of endowments in schools that is the cause, or whether it is the clan feeling of home fondness which dislikes and distrusts schools, and keeps boys under their parents' roof with the fragmentary and intermittent instruction to be gleaned there, the fact is patent that Education in its upper grades does not hold in this country the rank it enjoys elsewhere.

And I am quite certain that until the upper classes in Ireland throw away the remnant of that worn-out heresy that teaching is not one of the learned professions, but a drudgery and a stepping-stone to something more respectable, and until they contribute to form the bone and sinew of the teaching power in Irish schools, educational work will remain the refuge of the impecunious and the mark for the scorn of the vulgar, schoolmasters will be timid and obsequious, and the exodus of Irish boys to English schools will need no other explanation.

On the Same.

By Maurice C. Hime, M.A., LL.D., Foyle College, Londonderry.

THE Catholics and Protestants of Ireland have already published and forwarded memorials to the Intermediate Education Commissioners, suggesting for their consideration various improvements in regard to their programme—the marks allotted for the several subjects, the nature of the

examination questions, the method of conducting the examinations, and so forth. These two memorials are each of them thoughtful and thought-provoking, and teem each of them with wise suggestions—suggestions which the Commissioners ought, in my opinion, to consider with the utmost attention. Each memorial is most creditable to the body of schoolmasters from whom it has issued. Nor should this surprise us, considering that the memorials are the productions of the principal schoolmasters of Ireland. Irish schoolmasters may, no doubt, not be possessed of grand, far-reaching statesman-like views on education. With such their life does not bring them much in contact, nor does their training particularly suit them for them. But who should be so well able to judge as schoolmasters of the merits and demerits, the failings and defects of the Commissioners' actual programme? Who better able to discover defects and blemishes in the actual working of the act? I took personally, I may add, no active part in the drawing out of the memorial issued by the Schoolmasters' Association. However, I could willingly subscribe to every suggestion in it. Both memorials are in print, and copies of them can be easily procured. I shall, therefore, not waste time in giving a *résumé* of their contents. So strongly impressed, indeed, am I with the special fitness of schoolmasters for work of this kind, that I think now, and have always thought, that one of the Assistant Commissioners, whether these Commissioners be retained at their present number or increased to three, ought to be a schoolmaster, or rather an ex-schoolmaster. There are many schoolmasters in Ireland well qualified to fill such a post. There was one whom many of us were anxious to see appointed, when there was last a vacancy on the Board. To deal with practical educational questions in a satisfactory and masterly manner, a large amount of practical experience is necessary—experience not only in education generally, but in the special kind of education which is promoted in our intermediate schools. Were there a schoolmaster on the Board, the errors of judgment, the numerous mistakes in minor details to which attention has been drawn in the memorials I have referred to, would not have been committed at the first Intermediate examinations, nor repeated afterwards. And surely in filling up appointments on the Board, seeing how professedly undenominational and non-sectarian the intermediate system is meant to be, religion and politics ought to be entirely ignored, and the best educationist that could be found appointed—wholly irrespective of whether he happens to be a Roman Catholic,

Presbyterian, or Episcopalian, or whether a supporter of Mr. Gladstone's Government or of the Opposition.

While speaking of the appointment of examiners, I would like to say a few words about the appointment of the sub-examiners. Why not, in filling up these posts, give a decided preference to the assistant-masters in our principal intermediate schools? Not only would the compliment be a graceful one, but it seems to me that it would be more in harmony with the spirit of the Act, than the present mode of passing over so frequently the applications of our assistant-masters. Whatever would add to the value of our masters' appointments and make our masterships more worth having would tend to raise the standard of our masters; and whatever would raise the standard of our masters would tend to raise the standard of intermediate education—for the very promotion of which the Act of 1878 was passed—and so be a public benefit. There are in our schools many assistant-masters, not only of brilliant University distinctions, but actually trained by years of experience to perform those very duties which the sub-examiners are called on to perform. That applications from such men as I describe should be passed over, and that, instead of them, gentlemen should be appointed who have neither their University distinctions, nor their training or experience, is, I think, to be regretted.

Another suggestion I would respectfully make is that when errors in the marking of papers and in the subsequent totting up of marks are committed, the correction of such errors be promptly made in the most pointed and public manner the moment they are discovered. Mistakes are perhaps unavoidable when such an enormous mass of papers as those sent in after one of these grand national competitive examinations has to be examined, the marks totted up, and so forth. And all errors thus made the easy-going public will no doubt always generously condone, if only they are at once, when discovered, publicly and pointedly acknowledged by the Commissioners. But when the public hears from merely private sources, and by accident, that such and such a candidate did not really get the exhibition with which he was accredited in the Commissioners' published report, and that such and such another boy was really the first of all candidates in his own grade in this or that subject, although accredited in the published report with a cipher—when the public, I say, hears of these things from merely private sources and by accident, they cannot be expected to so generously forgive the errors made; nor can they feel very

much confidence in the published results of the examinations. And what a serious drawback from the value of the Commissioners' reports if the public have reason to suspect their accuracy!

I have already written to the Commissioners, drawing their attention to the fact that there were among the examiners appointed by them gentlemen who had classes of boys preparing for the examinations, and that pupils from these classes had been actually examined by these examiners in the very subjects in which they had themselves prepared them. Steps have, I am aware, been since taken to prevent a repetition of this unfortunate occurrence. Are the steps taken sufficient? I do not know how this may be; but certain it is, it ought to be impossible for any candidate, whether a friend taught gratis or paid pupil, to have the advantage of being examined in any subject, by any examiner by whom he had been taught such subject, for at least the twelve months previous to the examinations. The examinations should not only be perfectly just and fair, but they should be even above suspicion.

Another improvement I would suggest is this. I think it would be well if the Commissioners would print from time to time, at the end of their annual reports, (1) the total number of candidates, and (2) the total number of pupils, so far as they can ascertain them, in every competing school in Ireland. At present, enquiring parents and guardians are rather misled than instructed by the information supplied to them by the Commissioners. When one finds from the Reports that twelve exhibitions, let us say, have been gained by the boys from that school, but only six by the boys from this, the reader is naturally disposed to conclude that the former school is at least twice as good as the latter. But what a lame and impotent conclusion is this if in the latter school there are scarcely half as many boys as in the former? What the public ought to be informed of is not merely the number of boys that passed from each school with credit to their teachers and themselves, but in addition to this the number of boys who failed *in toto* to obtain even a single pass at the examinations.

Another amendment I would venture to propose would be the formation of a fourth grade of candidates—a grade for candidates between twelve and fourteen years of age. At present boys under thirteen and fourteen years of age have, as is known, to compete against boys of fifteen and of all but sixteen years of age. If they once or twice compete against their elders unsuccessfully, they become morbidly dissatisfied. If they hesitate to go in at all against them, feeling that they

have no chance, they are thus far being practically debarred, and this is a great loss to all concerned—and who is not concerned?—from the benefits of the Act. If, on the other hand, they work very hard in their efforts to win the race in which they are so heavily weighted, the mental strain is often too great for them, and they are injured rather than benefited by the competition. Nor would it be merely the little boys under fourteen who would be benefited by the alteration which I suggest. The formation of a fourth grade would give an opportunity to the Commissioners of overhauling and revising the entire junior grade programme. At present the prescribed course is rather too easy for candidates who are nearly sixteen years of age, while it is decidedly too difficult for candidates who are only a little over twelve. I speak merely generally. This is not, I think, the place for entering upon minor details. Were there, however, a fourth grade for junior candidates instituted, this blemish that I have referred to could be remedied. For the boys over fourteen the programme then could be made a little more difficult; for those under fourteen, it could be made shorter and easier.

But, perhaps it may be argued that, even as it is, the junior grade programme is quite sufficiently difficult. 'Look at Brown, and Jones, and Smith!' the objector may continue, 'they are nearly sixteen, and yet they did not get a single pass at the Intermediate last year!' My answer is, that Brown, and Jones, and Smith, unless they are naturally stupid (and no system of examinations can give boys brains), would not have failed so egregiously at the examinations last year as they did, had the Intermediate Education Act been passed six years ago, let us say, and had they been preparing and been prepared for them from the time they were twelve years of age. And I have no doubt that, as years pass by, the number of big ignorant boys in our schools will, with the help of these examinations, every year become fewer and fewer. Masters and boys alike will settle down and grapple more manfully, as years roll over them, with the work of education. The competition will stimulate them; the result fees and prizes will encourage them, and the blessings of education as an end, and not merely as a means, will gradually unfold themselves before them, and become to them more and more self-evident. Nor can we well over-estimate the great incitement to work which the consciousness that all one's own little world will know of one's successes or failures cannot but produce.

Another improvement I would suggest would be the giving, in all grades, of more weight to the greater subjects of

education, and less to the minor ones. The programme should, I think, be so arranged as to make it easier for boys than it is at present to gain the highest prizes offered by the Commissioners by their knowledge of the ancient classics, pure mathematics, and one or two modern languages, besides English history and literature, and geography. For those who, through superior abilities and natural tastes, have time to learn, besides these superior educating subjects, physical geography, book-keeping, drawing, theoretical music, *et hoc genus omne*, let, by all means, these minor subjects be retained in the programme. Let them even be retained for the benefit of those who cannot, or who will not, learn classics. But I would attach to them less weight than at present. Too much pains could not be taken by the Commissioners to discourage our superior boys from dissipating their attention, and to some extent wasting their time, by 'stewing up,' as the expression is, these subjects, simply for the sake of the marks they can score on them. Were this proposal of mine attended to, the Commissioners would hear less than they do from those who are opposed to the Act of 1878, concerning the smattering and cramming which, they allege, this Act encourages.

Too much importance could not, in my opinion, be attached by the Commissioners to the promotion and encouragement of a thoroughly sound elementary knowledge of Greek and Latin. On the many supreme advantages of these languages as educational agents I need not dilate. Volumes have been written upon the subject. Public opinion, I am aware, is not favourable to the study of these dead languages, but notwithstanding the constant attacks that have been made upon them, especially of recent years, I have never yet seen the arguments in favour of making them the basis of all sound education properly refuted.

The last amendment I venture to propose is the throwing open of the great advantages of the Intermediate Education Act to the teachers in our model and other national schools, so far, at least, as the special subjects taught in these schools are concerned, viz., mathematics, physical science, English subjects, book-keeping, music, and drawing. Why should not the head-masters and mistresses of these schools be allowed to win result fees, so far at least as their pupils might distinguish themselves in those subjects, for the very teaching of which they are paid by the State?

It will probably be objected 'that there are already result fees paid to these Model and National School teachers, and why pay them double result fees?' Why *not* pay them double result fees, I ask, if to do so would be a public benefit? The

result fees now paid to them are not on such a very liberal scale that we should grudge them the additional result fees they could earn, and no doubt would earn, were there result fees payable to them as to us. The more valuable the headships of these schools are made, the better the class of teachers which will be found to accept of them. Consequently to adopt this amendment would be to raise the standard of national and model school teachers throughout the country. And would not this be a gain to us in a public point of view? 'But it was to promote Intermediate and not Primary schools,' it may be urged, 'that the Act of 1878 was passed.' Granted, but so far as the subjects taught in the Primary schools are identical with those taught in the Intermediate schools, it makes no difference by what names the schools are called. The teachers of our Model and National Schools teach many subjects, as we have seen, that are in the Intermediate Education programme. And it is for these subjects, and these only, that I would claim for them result fees. They are, no doubt, I admit, already paid their salaries by the State; but so are many other schoolmasters to whom result fees are now payable.

There is a general belief that our Model and National Schools were in the first instance excluded from the advantages of the Act from fear, that, if they were permitted to partake of them, instruction in the primary subjects, for the promotion of which these schools were originally designed, would receive in them, for the time to come, less attention than hitherto.

Now, whether this objection is well or ill founded, I shall not stay to enquire. But certainly the same objection could not be urged were the head-masters and head-mistresses of these National and Model schools allowed to win result fees for those subjects which they are at present bound to teach. On the contrary, the throwing open to them of this great advantage of the Act could not fail to stimulate to a remarkable degree the teaching and the learning of those primary branches of education in which it is their duty and their privilege to instruct their pupils. For with a near prospect of result fees, prizes, and exhibitions before their eyes, as well as some honour and glory to win or lose, the pupils would be sure to learn, and the teachers to teach, with more vigour than ever—a consummation that all should wish for. Indeed, I think that, no matter in what light it be viewed, the exclusion of the National and Model school teachers from the great benefit of the Education Act is neither politic nor just.

It must not be thought, however, from my suggestion of these amendments, that I am one of those who are generally

dissatisfied with the new system of competitive examinations, or with the way in which the examinations have been conducted. I merely propose these amendments because the theme on which I was invited to write my Paper runs thus:—'In what way may Intermediate Education be best promoted under the Act of 1878?' and to the letter and, as I conceive it, the spirit of this theme, I have been endeavouring to confine myself. The Commissioners and Assistant-Commissioners alike deserve, I think, the greatest possible credit for the excellent way in which they have from first to last performed their onerous and responsible duties; and the Act is, I believe, a boon and a blessing to the country—indeed, an all but unmixed good—and this, the severe and formal condemnation of it which appears in the 'Blue Book' published recently by the late Endowed Schools Commissioners notwithstanding.

Indeed, how little the Act is, in my opinion, capable of amendment must be evident to those who have patiently listened to my Paper. It is, I think, as nearly perfect a scheme *for Ireland*, disturbed as it is by political and religious, and now even, it would appear, by class differences, as could be devised; and the few trifling, meagre amendments which I have suggested will make it, short of granting to the Commissioners the expenditure of the interest of another million of money on educational purposes, almost perfect.

A further Paper on 'Intermediate Education in Ireland and the Act of 1878,' was read by Dr. THOMAS LAFFAN. Dr. Laffan in this Paper criticises the working of the Act from a rural standpoint. He recalls attention to the fact that the first object of the Act, according to Lord Cairns, was 'to provide cheap higher education for the struggling middle classes.' He alleges that it has utterly failed to do this; and that, while it has introduced a novel system of endowment, which time may prove to be deeply injurious to education, it has failed to offer the set-off of realising the chief object for which the system was introduced. The writer, after an exhaustive enumeration of many facts bearing on his views of the case, summarises the causes of failure as follows: 1st. He alleges that the result fee scale was drawn up on a plan which made it impossible for it to be of any use to small schools. 2nd. That the Act has been badly administered; and owing to this last, the establishment of rural schools, which,

he insists, could only contain a small number of pupils in the present state of the population, was rendered still more impracticable. He suggests a revision of the results fees, so as to supply a substantial aid to the small schools; and calls for an inspection of the schools, and a rigid enforcement of some of the details of the Act. He attacks the curriculum, which he declares to be too wide, and charges it with invading both the primary and university domains. He gives prominent notice to the complete success which the colleges have scored from a pecuniary point of view under the Act, and declares that what was intended for the creation of rural schools has, in the outcome, been converted into a respectable endowment for the colleges. Higher education, he says, is as inaccessible as ever to the sons of the struggling parents. He doubts that the Act can ever be so worked as to do for higher education all that is wanted, and declares that extensive legislative changes will be found necessary; but in the meantime thinks that some good might arise from the carrying out of his own suggestions. He bears ready testimony to the quality of the education imparted at some of the leading colleges, and especially singles out the Colleges of Rockwell, Clongowes, and Foyle.

DISCUSSION.

The Rev. Professor MAHAFFY (Trinity College, Dublin) said there was a great quantity of excellent material before them for discussion on the subject of intermediate education, and as the lines taken by the authors of the Papers were somewhat different, he would content himself with devoting the greatest amount of attention to the Paper of the Warden of St. Columba's (the Rev. Robert Rice, M.A.). With regard to the intermediate question, the point was not whether it was good or bad (Mr. Rice thought it good: he thought it bad); the real point was, having got it, how were they to make the best use of it. The first thing that struck him (the speaker) was a certain agreement between the report which was published by him (October 1880) and the Paper read by the Warden. It was important to find a man like the Warden in accord with a theoretical man like himself. The Warden admitted that there would not be much difficulty in amalgamating many of the Protestant schools—in fact, there were not three points in Mr. Rice's Paper which he had not anticipated in his report. Mr. Rice said, 'I do not think it too much to say that, in point of numbers, Ireland could very well do with fewer schools;' and in the report referred to he (the speaker) had said that there were too many. The Warden, referring to the money question, said, 'the double system of money rewards labours under a difficulty; that the race for one interferes with that

for the other. The interests of students are bound, in the long run, to clash with those of their teachers; and if this be so, a very undesirable condition ensues.' This he put, as well as he could, in his report; but then the Warden said, 'the very idea of inspection was cried down. The introducers of the bill did indeed tell us, during the debates in Committee, that inspection would be one of the duties of the Assistant Commissioners. But they reckoned too quickly. Sleeping lions were in the way, and they ought to be left undisturbed.' He thought he knew who those sleeping lions were. He could not imagine them to be any others than the schoolmasters. He would have called them sleeping dogs, but he thought they might well pardon the Warden for calling them 'sleeping lions.' However, lions they were, and it was his unfortunate lot, when carrying out his school inspection, to meet them, and it would have required a second Daniel not to be torn to pieces by them before he reached the bottom of the pit. He came to the next point touched upon by the learned author of the Paper read that morning, viz., the evils of the present system under which the results fee was granted. 'The pupil is sent out,' Mr. Rice said, 'like a young Autolycus, decorated and "caparisoned" with odds and ends of knowledge of a motley description—a little Latin, a little Celtic, a little Botany, a little Algebra, almost to "four-and-twenty nose-gays." A remedy for this evil might be found by making the results fee calculated not as at present as a percentage on the total number of marks assigned to the subject in the programme, but on the number of marks obtained by the student.' His report on this point, on the evil of overwork, &c., was, in substance, almost coincident. He (the speaker) in his report said, 'the great majority of thoughtful educators with whom I conferred, agreed that it was due to this constant addition of new subjects, to the cry after English Grammar and English Literature, and French, and German, and Natural Science, to the subdivision of the wretched boy's time into two hours in the week for this, two hours for that, alternate days for this, alternate days for that; in fact, to an injurious system of teaching him everything so elaborately, that he can answer intelligently in nothing.' There were two or three other points in which Mr. Rice agreed with him, but he would only mention one, and that was relating to the too juvenile a class of assistant masters. He (Mr. Mahaffy) had not only complained of the youth of the teachers, but the extreme antiquity of some of the head masters. He differed from the suggestion that they should teach their children to make their studies self-supporting, because, if they did, they would soon kill all reasonable study. The proper means of cultivating and civilising the people of Ireland was to induce them to study for study's sake. He would not deny that by means of well-distributed honours and prizes they would get young people to work who would not work otherwise; but if the mere selfish tastes of mankind were pandered to in that manner, he had no hope for the future of the education of the country. Dr. Molloy, in his Paper, advocated negative marks for bad spelling. Well, he thought the whole English nation should get negative marks, because the spelling of the English language was the most preposterous thing in the world. Thousands of hours were spent by

children in learning the conundrums of English spelling, whereas, if the system were reformed, such time could be profitably occupied.

The Rev. Dr. HAUGHTON (Trinity College, Dublin) said, in rising to speak that day, he had had the advantage of a previous conversation with Dr. Molloy on the subject of intermediate education, and as he was entirely unconnected with it, he thought he might be allowed to explain the results of the conversation he had had with the Doctor, and the suggestion he had got to make. But before he dealt at all with the question, he thought he might, on behalf of the ladies and gentlemen present, express their thanks for the intellectual treat he had afforded them that morning. In taking upon himself to say this, he thought he was as good a judge of a speech or peroration as any one present. Well, then, in his opinion the Doctor's Paper was admirable. He believed that mixed examination on paper, and real personal contact between examiner and pupil, was of the greatest importance. There were some subjects in which a paper examination was capable of giving admirable results, but there were others in which a paper examination would give no results of the slightest value. He would confine himself to the natural sciences—geology, zoology, and botany; to these he should be disposed to add chemistry and physics. Now he maintained that to examine a class of boys or girls in botany and zoology, without personal contact, without asking them all kinds of questions, was a pure absurdity. He could get pupils to learn by heart twenty or thirty structures of the natural orders of plants, get them to go out and converse by the way, without one of them knowing a dandelion from a nettle. He would propose that such subjects as really required *vivâ voce* examination should be restricted to four great centres, where there were laboratory and museum with which to test the knowledge of those who presented themselves.

Miss ISABELLA TOD (Belfast) desired merely to be allowed to remark on the position of girls under examination, as mentioned in Mr. Rice's Paper. Mr. Rice had spoken strongly with regard to the immense disadvantage of having a different standard for boys and for girls, but the Section should remember that whatever injury was done, women should not be held responsible for it. The Commissioners were wholly and solely responsible. The great majority of women who had a right, for one reason or another, to speak as the friends of education, and the bodies of women associated together for the promotion of higher education, felt very strongly that, no matter what temporary advantage there might be in having a different standard, yet the ultimate disadvantage would be so great that they would neither recommend, nor willingly accept, any such difference. All the women required was fair play and no favour; and she might say that the position of the girls with regard to the boys had in times past been immensely disadvantageous. Girls had been placed in the most trying situations. It was quite astonishing what a large number of girls had taken good positions in those subjects in which no difference was made. Last year, the proportion of girls taking exhibitions, honours, and good places was slightly larger than the boys. This year, however, she believed the tables had been turned. Touching on the question of money prizes, Miss Tod

said she thought the system on the whole was a disadvantage; but the disadvantage was greater to the boys than to the girls. Very few parents had, till within a recent period, thought of giving girls the kind of education which would enable them to get on through life, and she was therefore glad to see that parents had been stimulated by money prizes to allow their children to take up more subjects, and to remain longer at school. They would, if they had not already done so, find good results in this direction by and by. Where were they to get well-trained boys unless the mothers were trained? She had found that the boys who took the best places at school, who secured the best prizes, were those who had been trained at home by capable mothers, and she thought, speaking only in the interest of the boys, assistance should be given to the ladies to get fair play for the girls. The change of circumstances in modern life rendered it absolutely necessary that girls should be well educated, even if they might never be called upon to support themselves. How many widows did they find, who had never been properly trained, who were called upon to support themselves and their children by their own industry? This was another reason why the education of girls should be promoted in every possible manner. A lady who had the largest schools for girls in Ireland, and had sent them by whole classes into university examinations, had assured her that there was no necessity for any difference in the standards. She was aware that a cry had been raised that by allowing girls to prepare for competitive examinations an injury was done to their health, but she maintained that no injury would be done at all if parents took the precaution of sending their children to school at a reasonable age, at an age when impressions were more readily made, instead of sending them when they had attained fourteen or fifteen to do the work of ten years in two.

Professor KAVANAGH (Catholic University, Dublin) thought there was a wonderful agreement in the four Papers which had been read on certain advantages and disadvantages in the working of the Intermediate Education Act, and, as the subject was a wide one, he would content himself with dealing with one or two points only, which had a peculiar and special interest. The inspection of schools, as directed by the Act, must, he thought, be carried out thoroughly. He had been a public teacher in Dublin for forty years, in intermediate schools, in primary schools, as head inspector, as a professor for twenty years in the Catholic University, and he had seen every phase and form of education, and he did say that the Intermediate Education Act was full of hopefulness, despite the difficulties which were said to be in its way, and despite the unfair criticism which often met it. During last year he had examined 2,618 pupils, putting 50,000 questions, and about one half of these were answered on paper, and he must say that he found the answers given remarkably good. The lists showed that the native race of Ireland were the same now as ever—anxious and willing to avail themselves of every opportunity for educational culture. As to what Miss Tod had said about the standard for girls, he agreed with her. His experience made him desire to see no alteration with regard to the standards; the girls could sustain their parts with credit to

themselves and to those with whom they were connected. He would like to mention another important point relating to the returns. It was wrong, he thought, on the part of the Board that they did not require a record of the various creeds. It was only within recent years that Catholics had been given fair play.

The Rev. MOORE MORGAN (Dublin) thought it was well for the interests of Ireland that the University should take as deep an interest as possible in intermediate education. With regard to the holding out of money rewards to boys and girls, he was not going to enter into the abstract question as to whether such were right or wrong. But if they were to argue that the Intermediate Act would have a bad effect on account of the many prizes it offered, so they should augur ill of the intermediate and university systems in England. He did not think that in all cases they should look upon prizes as bribes. They were intended as aids whereby boys and girls should persevere with their studies, and rise higher and higher on the educational ladder. It seemed to him from what had been said in the Papers that there was a danger of the primary and intermediate systems overlapping. He thought it would be a great mistake to in any way confuse the claims or courses of the primary and intermediate schools; they should, in his opinion, work perfectly distinctly. The State should make the primary schools as efficient as possible, and the same should be done for the intermediate schools. The intermediate system did not afford means for testing the whole work of a public school; it only examined those from fifteen to eighteen years of age. It would be very desirable for their schools if, as had been suggested, there were a lower grade for students under fourteen, a second grade for those under sixteen, and another grade for those under eighteen. They wanted some grade which would bring out the proficiency of the younger portion of their schools, and this would be a useful extension of the Intermediate Act. At present the Intermediate Board had no means of ascertaining the real condition of all schools, inasmuch as many masters and mistresses picked out and sent in those whom they expected to do them most credit. He thought it would be desirable that their powers should extend to examining all boys and girls in each school, and then they would have some valuable results. As to *vivâ voce* examinations, with more than 7,000 students, he thought it would be most difficult to provide for them. In his opinion a boy in the junior grade, having gained an exhibition, should be compelled to go into the middle grade. The boys who stood high were invariably those who did well all round; they came out at the top of the lists, and the authorities of schools which confined themselves to only one or two leading subjects found that they were unsuccessful in gaining exhibitions. The result of the working of the Act so far had undoubtedly been to encourage all round work at the expense of special proficiency. As to the proposal to alter the rules touching girls he should be very sorry if anything were done to extend the existing difference, although he felt just as interested in their welfare as in that of the boys; but they must remember that at the time the Act was passed, the sum granted by Parliament was intended for boys only; girls were admitted only at the last moment, and until a

further grant was made for them he thought it was only fair that all alike should compete on the same terms as boys; that is, take the same papers and have the same standard of marks in open competition with boys.

Mr. KANE (Dublin) said a few facts had come under his observation touching the Intermediate Education Act, which, although of a solitary description, were of an important nature. He did not prepare pupils for the intermediate scheme, but he had had those under his tuition who had enacted a part in it, and therefore he had some acquaintance with it through them. Some pupils had come to him who had been in public schools in England, to prepare for entrance into Trinity College, and he must say such had led him to the conclusion that the intermediate scheme was calculated to do a great deal of good provided the whole machinery was changed. When the intermediate scheme was started it was supposed that there was in Ireland a class of men who could teach, but his experience was that there were only very few in Ireland capable of teaching; and he would tell them as well that they were just as rare in England. The English school system had been characterised by one of the greatest philosophers of the age (John Stuart Mill) as 'a perfect sham.' Now the scheme in itself was good, but until they changed its procedure they would have little good from it and a great deal of injury. He thought one likely result would be the filling of the lunatic asylums. He agreed with Professor Mahaffy that the English system of spelling was a 'humbug,' and that it involved the sacrifice of most valuable time and the neglect of other studies. A word as to teachers. He did not think that educational knowledge was all that was required; such was only one of the qualifications. A teacher to be successful, Dr. Blackie told them, must be enthusiastic and like his work, and must make the mind of his pupil his study. Some of the authors of the Papers read had alluded to the advantages derived from a study of the ancient languages. A knowledge of Greek and Latin, he thought, was of small advantage in the way it was generally learnt, but when used as a mental training its importance could not be denied. It was chiefly because the ancient languages formed an excellent mental training that they could hope to retain them in the curriculum of the schools.

The Rev. Professor HEALY (Maynooth) considered it was the duty of the State to aid by money prizes as well as in other ways the youth of the country in their efforts after education. He denied that there was anything eleemosynary or mercenary in the intermediate system. God had given intellect to the poor as well as to the rich, and he could not seriously believe that any gentleman attached to Trinity College, which was itself so well endowed, would deny that it devolved upon the State to assist the poorer classes in the matter of education. One of the greatest disadvantages that would result from the intermediate educational system was its tendency to destroy the smaller schools, and to prevent many bright but poor boys from obtaining education at home; whilst those parents who had means could send their children to the larger schools with advantage to themselves and to the children. If the Intermediate Education Commissioners could do anything to

preserve and make permanent the grammar schools, they would achieve a great end and confer numerous benefits on the country. The Commissioners, he thought, allowed students to take up too many subjects for examination. It was an old and trite, but very sound, maxim—*non multa sed multum.* This should be the principle upon which they ought to work. It was better that a few subjects should be studied thoroughly than many imperfectly. What did education mean? It meant mental elevation, it meant mental culture. He would venture to suggest that in future the Commissioners should extend the curriculum of the classical languages, especially in the middle and senior grades. What they should endeavour to secure was, in his opinion, a substantial knowledge of the ancient languages, which alone would give mental strength and intellectual light, and this would not be secured by the mastering of mere grammatical niceties, which, in a few years, would fade away from the mind. For his own part—and he believed he spoke on the behalf of the Catholics generally—he was grateful to the Government that originated the intermediate system, for it was unquestionably a great benefit to Ireland, nay, he might say, a blessing to the country. It was, in his opinion, well managed and well worked; and the gentlemen who superintended it had always shown themselves anxious to receive suggestions from all quarters, and to carry them out, as far as possible, when they did receive them.

Mr. Charles Dawson, M.P., had listened to the various speakers with a great degree of interest. Whilst not altogether agreeing with the remarks which had fallen from the last speaker, he quite agreed with him in advocating the principle of *non multa sed multum.* He believed the tendency of the intermediate system was to produce a nausea for learning, to crush out original talent, and to destroy the ideal. It appeared to him that the study of a multitude of subjects was a mistake, and that if they got the most gifted scholars of the day as teachers, they would fail to bring about the standard of results they desired. The present system reminded him of the song, 'First she had some marmalade and then she had some jam.' There was a wonderful mixture. But the *summum bonum* of the scheme seemed to be the exhibitions held out to scholars. *Rem facias rem; si possis rete si non quocumque modo rem.* The intermediate education scheme was capable of being manipulated, and of this they had had ample proof in the House of Commons, particularly in the case of the United Westminster schools. The master of that school, with whose name they were made acquainted, got results of the most extraordinary character, but obtained them in a manner which was much questioned. He believed the intermediate scheme was capable of being manipulated in this way. Could he deny that the schools of Ireland were stagnant, could he deny that they required stirring up? He could not. They were certainly very stagnant. He would advocate a system of this kind: he would send inspectors to examine schools which would perform their duty in a quiet and unostentatious manner, and he would reward the schools which produced good results from their own system, by encouragement to teachers and pupils; but he would not cast the whole mind and intellectual faculty of the country into one inexorable

mould. Would it produce a Father Callan, who, in the seclusion of Maynooth College, invented the inductive coil and other electrical apparatus? Would it produce a man like Dr. Molloy, of the same college, who was known for his scholarly attainments? Would it produce genius, would it produce what that great college of Trinity had been the means of producing, and would it foster talent? He thought not, and he was, therefore, thoroughly opposed to the intermediate education scheme and similar systems.

Mr. Rowland Hamilton (Hon. Secretary of the Department) observed that many allusions had been made to the scheme of payments by the State for teaching, and he thought it behoved them to consider what was really the object of education. As long as they regarded it solely as a means for the advancement in life of the individual, they were sure to fall into error. A child who was properly taught, who was given the advantages of higher education, grew up to manhood the better able to fulfil his duties to the State and serve the community amongst which he chanced to live. Viewing the matter in this light, they would see that the promotion of education was for the benefit of society at large, and for every member of it. And this view afforded also some guidance as to the aid which might be granted by the State to students whilst under scholastic training. They did not want to have an eleemosynary system, and they should seek rather to avoid than to encourage the mercenary sentiment; but still it should be borne in mind that it was for the advantage of the State that its youth should be well fitted and prepared for their future functions. The money thus expended by the State was a wise appropriation of its means to enable them, during the time of their intellectual childhood, to fit themselves for the battle of life.

The Rev. Dr. Molloy said he had little to say in reply, because he believed the principal portion of the discussion had hinged on the Paper read by the Rev. Mr. Rice, Warden of St. Columba's. Mr. Mahaffy had alluded to the present system of English spelling, and styled it 'the most preposterous thing in the whole world,' and almost said that he (the speaker) was wrong in suggesting a means whereby it might be more readily taught in schools. There was, he believed, a movement on foot as to the reform of spelling, and he saw no reason why a reform should not take place, but he thought until such was really brought about, it was right that boys should learn it. He could hardly think that Mr. Mahaffy himself was unable to spell? Some mention had been made of the mercenary system or spirit of the Act. He did not look upon the system as mercenary. The primary object was education, but to carry on education schoolmasters must live, and boys too. Those who had ability to learn, and to learn with distinction, should be grateful to the State for giving them the material means to do it, and, therefore, he thought, while satisfaction and gratitude were expressed it was wrong to charge the intermediate system with having connected with it a mercenary spirit. The real object of exhibitions and prizes was to help boys to learn better and to help teachers to improve the standards of their schools.

The Rev. Robert Rice was pleased that an important discussion

had taken place on the Papers read, for the ventilation of ideas could not fail to be attended with good results. He had been much struck with the coincidence of opinion which existed between Professor Mahaffy and himself, but he must honestly say that he had never seen that gentleman's elaborate report.

Dr. LAFFAN, dealing with the various Papers read, expressed his belief that the Act had utterly failed in bringing about the favourable state of things contemplated by those who were instrumental in bringing it into existence. He did think something might be done to remodel the results fee scheme and other efforts made to render the Act more beneficial.

HIGHER EDUCATION OF WOMEN.[1]

How may the Higher Education of Women be most efficiently advanced in Ireland? By Mrs. BYERS, Principal of the Ladies' Collegiate School, Belfast.

THE fact that the Council has selected as a subject for discussion in the Congress 'The best means of advancing the Higher Education of Women in Ireland,' when taken with the other fact, that the parties most intimately concerned are not excluded from the discussion, indicates the amazing progress that has been made on this question within one's own memory. It shows that the day has fairly passed when any fear can be produced that the admission of women to take a part in discussions that mainly concern women lowers the dignity of debate or diminishes the importance of meetings like the present. This interchange of thought must be of advantage in bringing out the truth in such a way as to help on the steady growth of a right public opinion.

In the summer of 1879 a number of Irish ladies, many of them resident in London, and all intimately conversant with the educational wants of their young countrywomen, formed a society, the object of which is to watch the interests of women in any legislation affecting Irish education, and to further any approved scheme for the higher education of women in Ireland. At their request, though somewhat reluctantly, because I have been more accustomed to try to work out reforms than to talk about them, I consented to lay before you some of the difficulties that occur to me, as I take a retrospective glance at my work of over twenty years in building up in Belfast a girls' school, which is now the largest private undertaking of the kind in Ireland.

The work of the practical educator is work which has to be prosecuted where apathy, or poverty, or ignorance prevails,

[1] See *Transactions*, 1877, p. 485; 1874, p. 478.

and where there is little public spirit on behalf of widespread liberal education. I am now speaking of all education above that given in the primary school, and I include in the class requiring it the children of farmers, shopkeepers, merchants, and professional men. In addition to these general hindrances in the way of both sexes, there are in the case of women other obstacles which are more formidable. In our efforts to improve women's education, we are opposed even by some who have had good educational advantages themselves, and who are recognised leaders of thought. Some of these still hold the fixed opinion that woman's duties lie within certain well-defined and narrow limits. They seem to hold that her usefulness would be impaired by the possession of acquirements outside the range of home duties, and do not recognise that she has any just claim to have her education regulated by her own wishes. Since, according to them, the whole subject is still a matter of experiment, and since no absolute proof can be given that in the case of woman a liberal course of education would not unfit her for the prescribed round of duties, they would even hinder us from making a fair experiment for ourselves. One has constantly to be pleading for the unrestrained right of woman to the full development of her faculties. One has incessantly to be urging that this arbitrary limiting of duties is not overwise, that greater independence of thought and character ought to be encouraged, and that there should be no imperious restriction to certain grooves in which woman's education must of necessity run. For it is impossible to form satisfactorily the habits and manners of young people by cultivating a few prescribed subjects apart and alone. A fine accent and the most elegant bodily movements are a poor imitation, a thin veneer, if there is not a gracious, and graceful, and well-informed mind inspiring and animating the external deportment. And how shall Irishwomen attain to those divine qualities which soften asperities, and fill the social atmosphere with peace, unity, and contentment, if not by becoming acquainted with the ideas and aspirations of the greatest thinkers? By being brought into sympathy with the noble of all ages we may hope to attain to that high sense of duty, that beautiful nature, which while it has characterised ladies of the highest degree, can descend to the very humblest rank in life.

It has been well said 'that all our endeavours for social good, whatever their purpose or denomination—educational, sanitary, charitable, penal—will prosper and fulfil their objects in so far as we carry out the principle of combining in due

proportion the masculine and feminine elements, and will fail or become perverted into some form of evil in so far as we neglect or ignore it.' Now, keeping this statement in view, let us glance for a moment at the want of consideration which is so common in respect of the education of girls. In the early stages a girl often receives no proper intellectual training. She is petted and pampered, and allowed to succumb to every difficulty. Her faculties have so long lain dormant, that in early, vigorous womanhood, even under the pressure of adversity, she can hardly use them, and is in no way prepared for the struggle of life; and though parents must daily observe the daughters of their friends and neighbours in a state of genteel beggary through sudden reverses, they do not learn the needful lesson that if careful, continuous educational training that would fit them to know, to do, or to judge wisely, be neglected at the right time, the omission can never be remedied by any after efforts. And though a large and important part of the work of tuition has generally fallen to the lot of woman, no care has been taken that she should have any thorough preparation, or indeed any preparation at all, for the task of an educator. And yet people are ready to admit that women have a certain innate aptitude for the training of the young, just as men have a natural fitness for the work of defending their country. But see how these two natural gifts are treated: the one is usually left to develop as it may; the other is educated, stimulated, perfected, through a long course of discipline at great public cost. Can a mistake, an injury of this kind exist for long without avenging itself? And I have no doubt that in the misdirected, or positively hurtful influence of these untrained trainers of the young, the nation has paid a heavy penalty for long neglect.

We are frequently reminded that the highest service women can render to their country is to educate the next generation, and this is not simply a mother's duty, for there are few women who have not, at one period or another in their lives, had the work of bringing up the young imperatively laid upon them. Still no pains have been taken to fit them for the task, all is left to their natural instinct, to their womanly affection. And side by side with all the melancholy results of this neglect, as if to render women's task still more difficult, it has been firmly maintained through succeeding ages, that there ought to be a substantial difference between the intellectual training of boys and girls.

Owing to the want of development of the mercantile resources of Ireland, among other causes, the country is comparatively

poor, and with this poverty one finds a great dread of being considered poor. Paid labour has been by common consent considered unladylike, and until quite recently, except in very exceptional circumstances, the girl who had recourse to teaching, or who was called by the name of governess, was obliged to accept a lowered social position.

The fact that multitudes of middle-class girls, as well as boys, must in some way provide for themselves, is daily forced on our attention by the increasing number of those who, while utterly unprepared, solicit work. How to provide openings suited to their tastes and capacities, as well as a means of training girls with intelligence and efficiency to fill these openings when made, is a question alike difficult to the thoughtful parent and to the practical educator; and all who wish to make life easier and happier to those in such circumstances ought to respect labour, and by their influence endeavour to keep up the social position of her who seeks to earn for herself an honourable independence. The foolish opinion held in some quarters that paid work is undignified, combined with the desire of shielding their girls from mental work, has induced parents, especially those who have suddenly grown rich without much culture themselves, to avoid schools where any of the pupils are prepared for teaching. Now this is an exceedingly unhealthy feeling, and one that women should seek by all means to eradicate. It is an immense advantage, when young people are associated together, to have even a small number of them imbued with earnest motives and aims.

The absence of any means of educating or training lady teachers in this country, while in some respects inconvenient, has in a certain way been a gain to schools which have been obliged to train their own teachers. A young lady who is a resident pupil, or who attends classes with the view of becoming a teacher herself, exercises a happy though unconscious influence on her companions through her studious habits and that high moral tone which a serious view of life's duties and responsibilities is calculated to impart, and she supplies a strong counteractive to the flippancy and aimlessness which luxury often begets in the young. What would be the state of the colleges of the country if all the young men with direct professional tastes and aims were excluded because they were going to gain a livelihood by means of their education? There could not be much intellectual activity among the others, who would, indeed, likely fritter away their time, as aimless girls do, at some merely fashionable schools.

In an address delivered in England some thirty-five years

ago on this very subject a friend of women's education thus describes it as it then existed: 'The middle class, that very portion of our community which most contributes the steadying influences of civilisation and order, which draws up the lower, which supplies the upper, the bone and marrow of the State, the checker of turbulence, the controller of encroachment, placed between despotism and anarchy as an isthmus, the middle class, of all others, has the worst provision for the education of its daughters.' Since this was written great progress has been made in England through organisations worked mainly by women. About thirty large self-supporting proprietary schools for girls have been organised in various large centres. The Public Day School Company has started eighteen schools with fees averaging from three to five guineas per term. These schools, affording the best instruction, are self-supporting, owing to the large numbers of pupils in attendance. Now, as native talent is one of the things in which we in this country do not acknowledge ourselves behind our English neighbours, we should take all the more earnest heed that we do not fall behind them in the culture of that intelligence which God has given. And if through individual enterprise and energy we have been able to obtain educational results which compare favourably with those produced in other places under corporate management, and if in some instances women have ventured their all for women's good, and have made their work a success, even from a commercial point of view, that is no argument for the general adoption of this plan for raising girls' schools in Ireland. Schools for girls, moreover, cannot be expected to become permanent unless they are in the hands of more than one individual. It is surely a short-sighted policy, the result of strange apathy, that in large towns, where in the establishment of good proprietary schools boys have been fairly considered, there is no thought, no desire to provide similar advantages for their sisters. Educationists who have given to this question their most serious consideration see no reason why private enterprise schools should not continue to exist in large towns, side by side with public middle-class schools for girls. Many parents prefer them, and time and competition alone will show which system shall ultimately gain the approval of the public.

In the absence of any adequate organisation to promote the higher education of women, and any means for the instruction and training of teachers for secondary and higher schools, it is little to be wondered at that almost all the efforts of lady teachers in Ireland have hitherto been isolated and scattered.

True, as we find unparalleled self-denial on the part of some Irish parents to obtain education for their children, so there has been a corresponding individual effort on the part of some Irish ladies who have succeeded amidst untold difficulties in establishing well-organised schools. In many instances their work has resembled that of the Israelites when they were compelled to make brick while no straw was provided.

Any one who has visited a State school in Belgium, or who has only read the list of objects required for teaching in such schools, must feel how miserably deficient by comparison are our school appliances in Ireland. The desks, blackboards, and other apparatus of our schools are often simply disgraceful in their appearance, and this state of things is frequently due to the poverty of the teachers. School teachers ought no more to be expected to hire or provide school buildings, and furnish them with suitable school appliances out of their own scanty earnings, than the clergy should be asked to build and furnish churches. If we except the Alexandra College, the Queen's Institute, and Clergy Daughters' School in Dublin, some Friends' schools, and a few other places, we look in vain for institutions in this country provided by Protestants to which they will send their daughters for education. Our Catholic countrywomen, with their large convent school buildings, surrounded by fine playgrounds, are, I believe, ahead of us here. Fifty years ago Mrs. Ball herself founded a number of convent schools, with the mother house at Rathfarnham. Then we have the Ursulines and the Sisters of Mercy, and other convent schools under French orders. But what are these in a population and a land of poverty like ours? To consider the needs of the case and to meet them is a serious duty which should no longer be neglected, and parents should not only think of, but provide for, the warmth, light, ventilation, and general comfort of the rooms where their children usually spend four or five hours each day. They should see to it that the school buildings and school furniture are of such a kind, and are kept in such order, as to counteract as far as possible defects in home training; and every form of untidiness should be held up as reprehensible and should be conspicuously absent. An outlay to produce this comfort and elegance, instead of being an extravagance, would exert unconsciously a refining influence on girls. Besides, good school furniture not only aids in the cultivation of orderly habits, but it induces carefulness of property that belongs to others, and corrects that regardlessness which is sometimes shown for property or furniture which seems to have no particular owner.

As is the case in England, large towns should not seek for extraneous aid for education; if the people really valued it they would provide that education for their daughters as well as for their sons, and they would also extend help to smaller communities, where the real difficulty lies. And in any future revision of the scanty endowments for middle-class schools in Ireland, should endowed schools be suppressed where they are now no longer needed, and should there be amalgamations or change of local or public endowments, it is to be hoped girls' schools will receive that fair amount of consideration which has hitherto been denied them.

In small towns, where separate schools for both sexes cannot be maintained, under careful supervision no objection can be taken to the education of girls and boys together. In reality this plan has been tried in some small northern towns with very good results. The school fees, with the results' fees for the girls, provide the means of increasing the teaching staff, where one single master would be quite helpless to undertake the work of teaching all the subjects required by present standards.

In the absence of any general plan of organisation or inspection, or even of intercourse among teachers, it is only natural that many evils, the result of isolation, should arise. It is true the enthusiastic teacher has access to another corrective of abuses if she can afford to make use of it. I refer to the plan of visiting schools both at home and abroad; such visits would be replete with lessons, for example or avoidance according as the schools are good or bad. The observant principal, eager to discharge her duty to the young, has at present no other means of providing for the want of a thorough system of inspection or of correcting such defects as arise rather from ignorance of the best methods than from internal poverty. Travelling scholarships would also be another great means of preparing teachers for their work. National competition gives a healthy and patriotic stimulus to education as well as to everything else, and the Irish are generally acknowledged to be among the most receptive of nations educationally, and Irishwomen are certainly not behind men in the laudable desire for education. This has lately been shown in a remarkable degree by their eagerness to take advantage of the provisions of the Irish Intermediate Act, and to leave nothing undone to secure such vantage-ground as might be gained from that Act. We do not intend at present to discuss the merits and demerits of that measure further than to say that by women it was gratefully regarded

as a policy of strict justice. It is a first instalment of a debt long owed to women's education, and in its relation to women it should have a fair and full trial. A transition period like the present, from a bad system or from no system to any definite plan, is always a time of considerable difficulty. This Act, which has now been in operation for three years, ordains that the examinations, exhibitions, and results' fees shall be open to both sexes alike. The standard and the papers for examination are identical, with the simple exception that in the mathematical section of the examinations girls are not obliged to take the same number of subjects as boys. In their arrangements the Government do not prohibit any form of culture, nor do they indicate that any branch of useful knowledge is beyond the capacity, or unsuited to the intellect of women. Drawing and music, which have hitherto been held to be specially girls' subjects, are placed on the programme, thus giving the opportunity for some æsthetic or artistic training; but as a kind of protest against the ignorant view which has so long prevailed regarding the importance of accomplishments, the curriculum of study open to girls is the same as that for boys. While girls are not required to select the course that has usually been taken by boys, still no attempt has been made to 'map out definitely the field of knowledge, and to say how much shall be masculine and how much feminine.'

We may think it would have been more in the interests of higher education if, instead of results' fees for the teachers, and money prizes for the pupils, intermediate schools had been built and endowed, specially in those localities where the middle-class population is so small as to be unable to provide them. But instead of indulging in a critical spirit we think it better for Irishwomen, meanwhile, to take advantage of the recent grant. When women are better educated they will be better able to judge of what is needed in the country, and their enlightened influence will help to produce such unity of opinion in this country with regard to middle-class education as will make it more easy for a willing Government to legislate on its behalf. Instead, then, of our language being that of reproach for past neglect, or outcry for further aid; instead of dilating on the evils of educational absenteeism, or dwelling on the poverty which alone induces some to seek education at home for their daughters, I would rather arouse the feeling that success in the middle-class schools in our country, as in everything else, must come by energy from within, from internal economy, from a self-reliant spirit which

realises that there is nothing which may not yield to method and perseverance, and to that deep earnestness which is the outcome of full belief in the power of education.

I feel I owe some apology for these lengthened remarks. It may be that I have looked too much at this subject from a teacher's standpoint. I am not, however, ignorant of the difficulties in the way of the thoughtful parent with girls to educate. The three courses open are—to send them to boarding schools, have governesses at home, or send them to day schools. It is only by a co-operative movement, if I may so term it, to prepare teachers and to found schools that these difficulties can be overcome by those of limited income; and there is little difficulty in the way of those who are able and willing in considerable numbers to provide education for themselves.

I conclude by offering a few practical suggestions which, if not sufficient to overcome present difficulties, might if carried out at least lessen them:—

(*a*) By lectures, or by frequent friendly conferences, means should be taken to awaken the minds of the middle-class public to the importance of co-ordinating measures for the general and technical education of their children. If the various questions relating to education in this country could, at such meetings, be discussed in a temperate, wise spirit, the results would, I believe, prove highly beneficial.

(*b*) Ladies who are teachers should frequently meet to confer and devise plans of work. If there is to be any widespread reform we must combine and compare our views with the utmost freedom, and we ought to endeavour to foster a professional sisterhood, while encouraging a right emulation in the practice of education and in educational research.

(*c*) In large centres girls' schools can be made self-supporting. When private enterprise schools have got the support of numbers drawing a sufficient income from the immediate neighbourhood steps should be taken, when agreeable to their founders, to make such institutions permanent; and when parents cannot really afford to equip schools properly, they should collect funds from the benevolent and wealthy to supply these wants.

(*d*) As there can be no effective teaching when children are in physical discomfort, parents of the middle class should in the first instance undertake the responsibility of providing suitable school buildings and school appliances; and in districts where the population is insufficient to maintain two good schools, boys and girls should be taught together.

(*e*) In the absence in this country of training colleges for

teachers, and of such collegiate advantages as fit men of the same rank for teaching, systematic efforts should at once be made to supply these omissions. Funds should be raised to aid really able girls without means who wish to devote themselves to educational work. Model and practising classes ought to be provided in the larger existing schools, where at the same time the theory and practice of education might be carefully taught. And as all women who require to support themselves cannot possibly go to teaching, means for technical training should be organised for those who have little capacity for the work of education.

On the Same.

By Miss Helen Blackburn.

At the time the Irish University Bill was before Parliament an association was formed of Irish persons interested in the higher education of women, to watch the progress of that or any other educational measure affecting Ireland, in the interests of women.

When taking part in the formation of that society I was much struck by the amount of teaching power attracted into England from Ireland. No less than three high schools for girls in the immediate neighbourhood of the Metropolis have Irish women at their head, and many other instances of Irish women engaged in good positions in various educational institutions came then to my knowledge, and will no doubt occur to others here. Now these ladies have not brought their energies to be spent over in England because of the fulness of the field in Ireland, rather their energy has been drained away from a thirsty land.

This is of course in part the reflex effect of the absence of provision for the higher education of girls in this country. The injury which this absence does is manifest. The best teaching power flows over to England, leaving Ireland insufficiently provided. Parents able to afford the expense send their daughters to school in England. Hence the education of the daughters of the more cultured classes, at the time their intellectual impressions are being formed (and what impressions have so permanent an effect on our conduct in life?) find an attraction of the strongest and most enduring kind towards England, correlatively a diminished attraction towards Ireland; while at the same time the bulk of the daughters of the Irish middle class are left denuded of the skilled instruction necessary

for properly fostering and encouraging energy and purpose at home.

No doubt the same observations might be applied to no small extent to the education of boys, but by no means so fully or forcibly as to girls.

In the report of the Endowed Schools Commissioners, Ireland, 1878–80, just issued, the absence of provision for the higher education of girls is most striking. In regard to primary education boys and girls are relatively on a fair level both in the number of schools and nature of the instruction they receive in those schools. But when we examine the schools where advanced subjects are taught, classics, mathematics, natural science, the difference is marked. Schools for girls above the primary class are few in the list appended to the report of the commissioners. Those which give instruction in classics, mathematics, or any branch of science are fewer still—Alexandra College, Dublin; the Methodist College, Belfast; and the schools of the Society of Friends, and the tale is completed.[1] But more than this, there are several foundations with schools for boys and girls, and in all of these wherever advanced subjects are taught, they are confined to the boys—*e.g.* the school of Rathvilly, Co. Carlow, endowed by the bequest of 5,000*l.* and five acres of land, 'for a school to be conducted on the most liberal and enlightened principles,' and which is described as a most useful and successful school. At this school in addition to the ordinary English subjects the course of instruction for boys is stated to include Euclid, algebra, mensuration, Greek, Latin, French; the course for girls, as a set-off to these six subjects, includes needlework.

Again, at the Catherine Dempsy Schools, Co. Meath, with 518 acres and an annual income of about 711*l.*, the boys are taught book-keeping, Latin, Euclid; the girls the old round of accomplishments, music, drawing, needlework, French.

In Limerick, the bequest of 13,387*l.* yielding an annual revenue of 307*l.* was left by Wm. Leamy in 1814, 'to be applied to the education of the poor in Ireland principally about Limerick city.' From the report it appears that in 1874 a new scheme was adopted under which boys receive instruction in chemistry and natural science, as well as mathematics and mechanics; but this new scheme seems to have passed the girls by, their course having only needlework to set against all these subjects.

[1] The Report does not, of course, refer to any schools of private enterprise. It may be well to add that all the statements in this paper are taken from the Report of the Endowed School Commission of 1878–80.

The Hannah Villiers Schools, also in Limerick, with endowments yielding 730*l.*, give French, music, and needlework to the girls; mathematics and classics to the boys in the schools.

At Coleraine, the Irish Society's school, described as 'exceedingly well conducted,' has the same unequal programme, needlework *versus* Euclid, mechanics, geology, drawing. The same occurs at Billis, Co. Cavan.

Now I do not wish to deprecate needlework, which is essential to the comfort and usefulness of a woman's life, but no one can maintain that needlework is a subject capable of imparting such mental training or calling for such intellectual effort, as to be an equivalent to classics, mathematics, and natural science. Better to add some handicraft to the course of instruction for boys which should correspond with needlework, than make needlework weigh in the balance against all the higher subjects.

Seeing the scanty opportunities for instruction accorded to women in Ireland, and the consequent loss of vital energy to the country, and seeing that these schools exist side by side under the same endowment, but with quite unequal programmes, I would venture to submit whether steps could not be taken to remedy the inequality by opening the classes on higher subjects to girls side by side with the boys.

This would not be a new experiment, even in Ireland, for at page 144 of the report describing the Friends' School at Lisburn, it is stated that 'when the present superintendent was appointed, high walls which previously separated the playgrounds for the boys and girls were at his instance removed, and at the date of our enquiry the boys and girls played in the same playground, took their meals in the same room, and many of the girls were taught in the same classes with the boys. The superintendent said that his experience of the school where this was allowed had been strikingly different from what he had seen where the opposite was insisted on. The pupils, "mixed without any degree of familiarity or inconvenience, and it had been an evident advantage to both sides of the school. Of course it required constant supervision and the continual mixing of the teachers with the children."'

There might of course be difficulties of a merely mechanical sort in the way of mixing children for even a few classes, but such difficulties are not insuperable. In one case, that of the Incorporated Societies' Schools at Cashel, the amalgamation of the schools is recommended by the commissioners, owing to the small number of pupils, while at the Leamy Free Schools

(Hartstongue Street, Limerick), the schoolroom accommodation seems to be greatly in excess of the present number of pupils, so that here mechanical difficulties would probably not be great. On a careful comparison of the reports of the schools above mentioned, it seems to me that the amalgamation to some extent at least of the schools already existing might be an immediate practical step towards improving the education of girls in Ireland.

DISCUSSION.

Miss Tod (Belfast) had rather hoped that some of the gentlemen would have been the first to speak on the very important subject introduced in the Papers read, but perhaps it was well that she should draw attention to one or two points upon which the ladies engaged in promoting the higher education of women felt very strongly. They felt that they were at a grievous disadvantage in not having any endowed schools for girls worth the name. There was not a single satisfactory endowed middle class school for girls in all Ireland. The work done, however, by the ladies who had taken the trouble of creating first class private schools was exceedingly good; but of necessity there were few who had the means, training, special qualifications, and power of organisation to create first class schools; and it was of importance that where really good schools had been created, steps should be taken to give them permanence, and not leave each to the chance of obtaining a second administrative head as good as the one who created it. These first class schools had justified their position in the examinations under the intermediate system, and in the examinations of the Dublin and the Queen's Universities; and she hoped good work would also be done in the new Royal University. The success of the smaller schools had been very satisfactory, and still they were being created. This was the first opportunity which had been offered to girls in Ireland to compete in open examination with boys. One point had been alluded to by Miss Blackburn, upon which she would like to touch. That was when there did not exist a sufficient number of boys in a certain district to justify the opening of a school for them alone. She thought to remedy this evil the girls should be admitted, and she was of opinion that they would never reap the advantages of the Act till such schools were started. Quite independent of economy, she believed in mixed schools, because she considered it was a wholesome thing for brothers and sisters to go to school together. It was a serious disadvantage that brothers and sisters should be so often separated at a very early age, and not allowed to mingle together as freely and intimately as they should. It was in this way that brothers and sisters had no thorough knowledge of or care for each other's interests. It was only during their holidays that they met, and these did not at all times take place at the same time. By such separation some very important moral influence was lost, and the boys were the greatest

losers—at least the mothers thought so, and she believed on the whole that the mothers were the best judges. She must say that quite irrespective of the economic question, it would be of great consequence if the friends of education were to use their influence to extend mixed schools, and they had seen in the very few instances they had had how very useful they were. There were other points upon which she would have touched, but she saw other friends of education present, and she would not therefore detain them any longer.

Dr. Neilson Hancock (Dublin) said the Incorporated Societies' Schools, which were originally intended for the poor, had very wisely and properly gone in for improved education, but for boys alone. They had received an endowment of 8,000*l.* to be devoted to the education equally of boys and girls, although it was found that the money, so far as higher education was concerned, was expended on the boys and not on the girls. The Erasmus Smith Grammar Schools were also confined to boys, although the endowment left in the hands of the Governors was intended to be applied equally for the benefit of girls. Then they came to the endowed Royal Schools for which 6,650*l.* was expended annually. He was of opinion that these Royal Schools killed private enterprise in the towns in which they were established. He failed to see why these schools should be limited to boys. In the last session of Parliament, the victory of getting the ladies into intermediate schools was followed up by getting them admitted into the Royal University; but why should they not in the Queen's College? He failed to see why they should not. Where was the logic of those who opposed the granting of such a right? In the Royal University boys and girls should be equal, but they were not so in what was only part of that University—the Queen's Colleges. In dealing with this subject it was said that the Irish people were very hard to please, but the only thing that would satisfy them would be arrangements based on logic. It was anomalies such as he had endeavoured to point out that gave rise to dissatisfaction. He came next to the magnificent institution in which they were assembled that day, an institution to which no one was more indebted than he. It was founded by Queen Elizabeth, and was governed by Queen's letters, and yet equal privileges were denied to girls. He was not alone in thinking that women should not be left out in the cold as they had been. He would next have a word to say respecting Mrs. Byers' Paper. Mrs. Byers had achieved a work in favour of women of which anyone might be proud. She desired to know why there should be a want of well-equipped school buildings. How were things managed in Scotland? The town authorities had charge of intermediate schools. Why not let this be done in Ireland? Why should not local authorities take the management of these schools into their own hands? In England they had School Boards, and why should they not have the same in Ireland? Oh, no, when they came to Ireland they found that such were not to be tolerated. Where was the logic in this? The Government entrusted England, Scotland, and Wales with the responsibility of organising the educational arrangements, but they refused such powers to Ireland. As long as this was the case, and Parliament did not govern Ireland by logic

they would never find that contentment which they all so sincerely desired.

The Rev. HUGH HAMILTON (Dublin) said he had been a long time in the world, that he had been a parochial clergyman in England and Ireland, and had been nearly thirty years an inspector of Scriptural schools. In his first curacy the parish schoolmaster was a man of great personal piety with a great knowledge of the Bible, but an utterly incompetent teacher. A great part of the work of the school, therefore, fell upon him (Mr. Hamilton), and he had gained great experience. He found in England and in Ireland that in a year he could bring the girls in a country school above the boys in everything except arithmetic. When he became an inspector in 1850 he found the boys superior to the girls in nine schools out of ten. In English composition the girls were generally superior. During the last ten years the mistresses had generally been able to compete with the masters, nearly half of the first-class schools being taught by women. He attributed this to the fact that formerly women were appointed on account of relationship, as the wife or daughter of the master, and not on their own merit as teachers. He attributed this great improvement in girls' schools to the Training College in Kildare Place, and to the exertions of those concerned in it. Our masters for fifty years were regularly trained, and many were most efficient, but now masters and mistresses had the same opportunity. Salaries were small. A young woman took a school for a few years, not intending to settle on it, as men expect to do. The physical labour of teaching reading and writing is taken off by the National schools, and to a trained mistress twenty or thirty pupils are only an agreeable employment. Let all, he said, who value education support the Training College.

Professor O'RYAN (Queen's College, Cork) observed that Dr. Hancock had alleged that the Queen's Colleges formed part of the Royal University. He was astonished to hear such a remark fall from a gentleman whose accuracy was so well known; and he would take occasion to remind the Doctor that the Royal University had no colleges at all connected with it. On the general question, that relating to the higher education of women, he was a very poor authority. He believed, however, that girls should be content with good training in the so-called intermediate schools, without desiring to push into the universities. He did not think it would be a happy change for young ladies to enter classes at the Queen's Colleges or Trinity College. Although he was engaged in teaching, he could not refrain from saying that even in the case of some men, he thought it useless for them to follow up a university career; for they were called upon to study subjects for which they had not the slightest taste. Then, again, he did not believe that the effort to make themselves acquainted with abstruse subjects, and the laborious preparation for a series of examinations, in view of some university degree to be attained, would prove of advantage to ladies. He meant, that this would not tend to increase their own happiness, which was the first consideration; and he added that it would be of no advantage to society in general. He had reflected on this matter again and again, and, therefore, he knew he was not speaking at random.

It was perfectly right that men should throw open the doors of the university to women; but, as he had said before, he thought the ladies should be content with receiving a thorough schooling, with subsequent accomplishments, which were, perhaps, the most essential part of their higher education. This was enough to make life interesting, and life itself was the best education.

Mr. J. G. Swift MacNeill (Dublin) while he admired the spirit of self-reliance that characterised the addresses of the ladies, made bold to say that, to the extent of the last farthing every State endowment set apart for education in these countries should be shared with women. Women were called by the insolent men the weaker sex. If women were the more defenceless portion of the community the greater was the necessity to give them the advantages of the best education. Many men were indebted for their education to the charity of the State. Trinity College, Dublin—that noble foundation—was, like the universities of Oxford and Cambridge, a State endowment. Why should men exclude women from a participation in benefits to which every member of the community was entitled? The men who begrudged and robbed women of the advantages of education were as contemptible as the youths who, while at the universities, indulged in a system of extravagance at the expense of their mothers and sisters, and who have been described and denounced by Thackeray in his 'Book of Snobs.' On selfish grounds the education of women should be encouraged. It had been, for instance, again and again proved that the man who had made his mark in the world, not infrequently owed his success entirely to his mother's training. Were they to deny to women, who were the guides of their youth and the moulders of national character, all the benefits of that education, the advantages of which they knew so thoroughly and felt so keenly themselves? Women, it had been stated, preferred matters to remain as they were. Whether that were or were not so, it was the bounden duty of the State to place higher education and mental training within the reach of women, and it should be the privilege of the ladies to use these advantages or not, as they thought most conducive to their interests.

The Provost of Trinity College (the Rev. J. H. Jellett, D.D.) had at first had no intention of addressing that assembly, but he felt almost bound to make one or two remarks concerning what had been stated by Professor O'Ryan. If he understood the Professor, the best method of promoting the higher education of women would be to encourage women to be satisfied with good schools, and not to look beyond that. Good intermediate schools they ought to have, but to look for university education, the thing that was supposed to put a sort of cap upon the edifice reared or founded by schools, that they ought not to look for, and the reason why they ought not to look for it was this:—that they ought not to investigate those abstruse subjects which universities were supposed to teach. What good was it, Professor O'Ryan asked? What did he mean by 'good'? What good was education to a man as distinguished from technical education? What good was it to a barrister to learn to read Latin verse? What good was it to a physician to learn Euclid? The good was this, as it was the good of all education, that his mind was improved

by it. He might not be able to turn it into immediate money, but the mind was improved, and that which would improve the mind of man, he took it, would also improve the mind of a woman. Therefore, when he was asked what good was it that women should study these subjects, his answer was, that their minds were enlightened and improved in just the same way and on precisely the same principles that the minds of men were improved by the same process. But it struck him that there was a slight inconsistency in encouraging women who were not to study abstruse studies to look for high class intermediate schools. What were they to learn when they went there? What did intermediate schools propose to teach at present? Well, they were supposed to teach Greek, Latin, mathematics, natural philosophy, chemistry, music, and a quantity of other things. But, so far as abstruse studies were concerned, it seemed to him that those abstruse subjects were introduced into intermediate schools, and if women were to look to those intermediate schools, and to take advantage of them, he did not see how they were to avoid studying those abstruse subjects. What were they to educate woman in? Were they to make her merely ornamental? Well, after learning reading, writing, and arithmetic, she might learn music and drawing, and dancing, perhaps. But if they wanted a woman to take her proper place as an intellectual being, then he most distinctly maintained that those subjects suited to form the mind of a man were suited also to form the mind of a woman.

Mr. Joynt (Dublin) said, to his mind, the most appropriate remark made that day was that the question of the higher education of women was in a transition state, understanding by this that it had generally come to be looked upon as a matter worthy of attention, but had not yet been realised in practice. He hoped that the spirit that pervaded that assembly with respect to the higher education of women, would be disseminated, and that the Papers read would be productive of great practical results. One of the subjects of discussion that day, upon which different opinions had been expressed, was State endowment. He was not in harmony with Dr. Hancock as to State endowments. What was needed throughout Ireland was a spontaneous movement to show that women were not only capable, but anxious, to improve their educational position, and he had no doubt that the State would not refuse whatever aid might be necessary. The reform must commence with themselves and not with the State; it must begin with a spontaneous act taking place throughout the country, and until this was done they had no business to complain of the State. Various things had been said as to the capacity of women. On the question of university education he was at one with the Rev. Provost. He could not see why women should not proceed to the Universities. Different opinions had been expressed at the sitting of the Section on the preceding day on the system of examination and payment by results. He was strongly of opinion that such a system should be worked with great caution. If incessant cramming and forcing for examination were injurious to boys, it was even more so to girls, and therefore he did not consider that the extension of the privilege of intermediate education to girls had been the unmixed boon and benefit it had been

described to be. At the same time it was very valuable; it had had the effect of stirring an educational ambition amongst girls which had never existed before. This being the case, they must try and lessen the injuries which might result from a too severe training. He denied, as had been stated, that girls were superior to boys in writing composition, taking them at the same age and the same standard of education. The power of grasping the whole case from the beginning, and stating it in clear and lucid language, was not as a rule possessed by girls. What was the deduction from this? Not that composition should be discouraged amongst them, but rather that their minds should be given to original and connected structure, a power which they did not at present possess. On the question of university education he felt very strongly. It was irrational and inconsistent to stop at intermediate schools. The question was not what material benefits university honours would bring to women, but what were the great advantages which their minds received through this means. University training, in his opinion, did not make a woman's emotions less tender, or cause her to lose one single atom of the delicacy and elegance which are generally associated with the female character. The higher education of women fitted them for more exalted positions, gave them clear ideas of their positions, and did not detract from the requirements of their sex. He failed to see why the central office of the Society which took up the cause of Irishwomen should be in London instead of Dublin, and a change, he considered, would be welcome. The feeling of intelligent men now was that the higher education of women was one of the requirements of the age, and a thing which could no longer be refused, and which the clearer light of honest judgment would reveal as a right and proper change.

The Rev. Dr. Molloy (Catholic University, Dublin) thought there could be no difference of opinion as to the general principles laid down by the Provost—that it was most desirable that ladies should be highly educated, and that their minds should be in the highest degree cultivated; and so far as any measures in this direction were concerned, every effort should be made to obtain for them the same advantages as men enjoy. But the practical question before them, he thought, was whether their minds should be cultivated exactly on the same lines as the minds of men. In cultivating the mind of a young man, regard was always had to the career which he was to follow in after life, and the same principle, which appeared to be sound in itself, and supported by general practice, should be applied to the education of women. Now when they came to consider the future career of women, they would find reasons for marking out a course of mental training different, in some respects, from the course usually pursued by men. The university education at which they should aim was one in which their minds would be cultivated in the highest degree possible, but with particular regard to their own especial sphere in life.

The Rev. Professor Mahaffy (Trinity College, Dublin) said the admirable Paper of Mrs. Byers had afforded him both pleasure and instruction. One feature in it struck him as most important—that all improvements in this quarter must arise from self-reliance within, not

from bribery without. He wished men did not think it so desirable to obtain money prizes to advance themselves in life as they did at present; and it was encouraging to them that women had had no money bribes to stimulate them to cultivate their minds, which they had done for their minds' sake. He knew there was a fashion for pestering the State for large annual grants, but in this he did not think the ladies were so much to blame; all they required was a perfect freedom to petition and to bring their grievance before the proper quarter. Grave mistakes, he thought, were made as to what were the special subjects which girls should study. Most people would say drawing, music, and dancing, and he must say he attached more importance to the dancing than the Provost did. However, he was not aware that dancing was a special subject for girls, and he thought if young men paid a little more attention to it, it would be a good thing to society. He would appeal to Dr. Molloy to introduce an examination paper for dancing into the intermediate course. Unfortunately a *vivâ voce* examination must be excluded. A paper could be set on the theory of dancing, and then it would be possible for a person to compete—without knowing one step in dancing, just as a student might pass, and often does pass, magnificently in French and music, without understanding one word of spoken French, or knowing 'God Save the Queen' from 'St. Patrick's Day.' He objected altogether to drawing and music being called ladies' subjects. As to music, he thought desperate harm had been done in assuming that every girl in the country had a taste for it. He noticed that in most musical advertisements music and singing were separately mentioned. This was quite right, for a greater part of the singing they heard was certainly anything but music, and he was sure that a good deal of valuable time was wasted by those who never could make anything of it, and only torture those who were called upon to listen to them. Now they would ask him what were the special subjects for girls which should not be omitted. He would repeat what he had said before: There should be a qualifying examination before the higher branches of education were approached, and these should include arithmetic, sewing, and cooking. He believed none present would deny the importance of sewing, upon which Miss Blackburn had spoken in the course of her Paper. Then they passed to the question of cooking, a matter upon which he felt very strongly. He had travelled over Ireland, he supposed more than anyone here present, and he had been in more houses of all sorts in the country than anyone else, and he thought he was warranted in saying that the Irish nation was the worst cooking nation in the world, and what was more, the Irish people were more wasteful in cooking than any other. Here he would appeal to his friend Dr. Molloy to introduce an examination in cooking. Now it seemed to him that it was from the neglect of these matters, which specially belonged to ladies, that the agitation for the higher education of women had met with opposition. He rejoiced to find, however, that there were among those who had embraced higher education, ladies who were practical housekeepers. As to whether girls should obtain university degrees, he differed from Professor O'Ryan, and thought they should be allowed to take them if they so desired. If the ladies

found degrees did not contribute to their happiness, they would cease to go in for them.

Professor KAVANAGH (Catholic University, Dublin) said he had certainly not intended to speak on the subject introduced that morning, because he had addressed the Section so often that he thought it but Irish hospitality to allow visitors the greatest scope for ventilating their opinions. But one or two matters had been brought forward upon which he would like to say a word. He had been much pleased with the remarks which had fallen from Dr. Hancock, and he considered them a valuable contribution to the discussion. But he was afraid that too much sentiment had been mixed up with the question. It was one thing to exclude women from university education, but it was altogether a different thing to encourage them to pursue it. If legislative obstacles were removed to-morrow, they would not, he thought, have any considerable women following this pursuit.

Mr. ROWLAND HAMILTON (Hon. Secretary of the Department) as a member of the Women's Education Union, of London, wished to say a few words. If he were asked how the higher education of women could best be promoted, he thought he could hardly give a better reply than by referring to such Papers as those to which they had listened, and to such associations of ladies as that which Miss Helen Blackburn represented. In his own experience, during the last ten years, there had been a very great change in the tone of public opinion. Ten years ago if he had ventured to advance any plea in favour of the higher education of women, he would have been told very likely that such advocacy was all very well for a bachelor, but if he were a married man he would not be allowed to talk such nonsense. From the limits of his personal acquaintance he could speak of the benefits as regards both health, happiness, and usefulness that had resulted from the facilities accorded to women to carry on their education after leaving school. He could not sit down without expressing on behalf of the Union of which he believed he was the sole representative present, its hearty sympathy and sincere good wishes for the success of women's education in Ireland.

Miss DOWNING (London) explained that the reason why the Ladies' Association, recommended by Miss Blackburn, had been established in London and not in Dublin, was because they simply meant to deal with the Parliamentary interests of the question. The object was that in all matters coming before Parliament touching themselves ladies should have full, fair, and free advantage of looking after their interests. Although this Union had been established by Irish ladies, their hearts and feelings were one and the same for England as for Ireland. She differed altogether from Professor Kavanagh as to the improbability of higher education extending among the ladies of Ireland. She felt sure that the good example set by ladies would be copied by their children, and that instead of a disinclination to seek higher education there would be on the contrary a stimulus given. She did not believe they should concern themselves so much about needlework, for she thought this and cooking were really essential to a woman, and women would learn them without special teaching. Her earnest wish was that ladies should form themselves into a strong union so as to establish high-class preparatory schools so as to fit girls for a university career.

Mrs. BYERS had been very much pleased with the discussion which had just taken place on the subject of the Higher Education of Women, and was not a little gratified when listening to the remarks which had fallen from gentlemen who had such large experience in educational matters, corroborating and confirming views which she felt she had stated rather imperfectly. Mrs. Byers did not think that with regard to cookery, the higher education of women tended to lessen their interest in household matters; on the contrary, she believed that since higher education had received increased attention a greater amount of interest had been shown in household affairs. She thought much good might be gained through the principals of schools visiting institutions similar to their own, and comparing notes. As Irish schools generally close sooner than the English schools for the summer holidays, she had taken the opportunity thus afforded of visiting some of the best schools for girls in England. What she saw had afforded her great gratification, and she felt sure she had benefited by these visits. Nothing could exceed the courtesy with which she had been received. With regard to the Queen's University, she wished to say that the senate of that University had shown the utmost readiness to grant local examinations for women on the very first application being made to them for this advantage, and nothing could exceed the interest the Professors of Queen's College, Belfast, always manifested in the efforts and the aims of those who are seeking to further improved education for women. Mrs. Byers would go back very much encouraged by all she had heard that day, as it gave good evidence of the rapid growth of public opinion with regard to the cause for which she worked, and which she had attempted to advocate on the present occasion.

Miss BLACKBURN also briefly replied. She agreed with Mrs. Byers that education should stimulate rather than create an aversion to the cultivation of household accomplishments. Highly trained women learnt more quickly, and had a keener sense of the importance of domestic duties and of their own responsibility, than those who had been untrained. The most useful and intelligent mothers were those who had been properly trained. Many points had been touched upon to which it would be unnecessary to refer, but she felt sure that the more this great question was discussed the more clearly would be seen the necessity of bestowing upon it greater attention, and discussing it from a broader platform.

University Education in Ireland. By CHARLES DAWSON, M.P.

AMID the exultation with which the new life imparted to one great interest in Ireland has been received, the death-knell of another seems to have tolled unheeded. *University education in Ireland,* as far as the vast majority of the people is considered, has received a fatal blow. The Royal University Act has accomplished this disaster. Whatever hope

lingered in the minds of those who had the interests of true learning at heart seems almost to be annihilated by this step. Nevertheless the meeting of the Association for the Promotion of Social Science suggests an opportunity of at least making a protest against a step so fatal to the promotion of learning. The constitution and endowment of a mere examining board coincident with the almost unanimous opinion of scholars in favour of a teaching rather than an examining system seems almost wanton. The presence too, in office, of men like Dr. Lyon Playfair, the apostle of a teaching university, would have led those who think with him to have looked for better things.

Before I had an opportunity of knowing all the support which a teaching university system could command, I had been won to admire it by partaking of the advantages it conferred even under the limited privileges of the Catholic University. There, though in limited numbers, were students from many different places enjoying a liberty compatible with opening manhood, and with just such judicious restraint as their position required, enjoying also the share in various societies for the promotion of knowledge and interchange of thought, but above all enjoying daily intercourse with the professors foremost and renowned in their various departments; all this appeared to me as infinitely superior to the fate of those who came up occasionally either from schools or private study in the country. Here certainly what I now find to be the *summum bonum* of great minds was carried out—instruction and acquisition of knowledge for its own sake rather than for results in examination, seemed to be the chief pursuit.

This feeling was not peculiar to me, for in 1873, after I had left the university, over seventy students who partook of its advantages, though deprived of the rewards of degrees or valuable prizes, on the promulgation of Mr. Gladstone's Bill expressed their attachment to university training. They presented a memorial to his Eminence Cardinal Cullen, pointing out the fact of academic residence not being required by the bill, and asking him to use his influence to secure an advantage for Catholic students which they themselves had so highly appreciated, and which were left to Trinity College and the Queen's Colleges. The teaching of Dr. now Cardinal Newman had no doubt informed them of the true functions of a University. It is not necessary now to repeat the opinions of that illustrious man, so familiar to all who have studied this subject; and I purpose in this Paper to refer to more recent and more neutral authorities. In a letter to Sir John

D. Acton, fifteen years ago, the present President of the Cork Queen's College, then Professor of the Catholic University, thus defines the functions of the teachers of a collegiate school as compared with those of a university. 'The duty of the former is to give to the pupils the elementary instruments of thought, the elementary properties of number and magnitude or mathematics, the facts of geography, history, and, if practicable, the elements of physical sciences.

'The function of the university teacher is to show the youth thus provided with his elementary tools how to use them profitably, in increasing his store of facts, developing his own reason, analysing the opinions of others, and by syntheses forming for himself a healthy opinion concerning the moral and physical laws of the universe, instead of merely reflecting the views of others.' Strange to say, after fifteen years Dr. Sullivan has at this moment to complain of the extinction of true teaching in the schools, which then, at any rate, were free from examining boards and the pernicious influence of the Intermediate System.

In his last report on the Queen's College, Cork, issued a few days ago, Dr. Sullivan said, 'School work is being reduced to an organised system of cramming—real school work and cramming are, however, incompatible, and the attempt to carry on both in the same institution is sure to end in failure. The disorganisation of the schools produced by the spread of the examination epidemic was perceptible at our last entrance examination.'

Writing some time after Dr. Sullivan's letter to Sir John Acton, Professor Andrews, F.R.S., says: 'When the Senate of the University of London, departing step by step from the principles of the original charter of William IV., accepted, in opposition to the almost unanimous opinion of its graduates, and without the approval of any one of its colleges, the charter of 1858, which admitted people without college or university training of any kind to its degree in arts, it introduced a practice previously unknown except in one solitary case, in the great European seats of learning, and which has been truly described (by the Senate of the University College of London) as at variance with the understanding which prevailed in the learned society of Europe from the first foundation of universities to the present day.' The change, Dr. Andrews contends, had, at the time he wrote, produced not only stagnation but decline. The average of those promoted to the B.A. degree for four years in 1860, is little more than 63, and for the five years terminating in 1865 a little less than 60, showing a

falling off of one-half in the latter quinquennial period. A similar falling-off occurs in the average number of Masters of Arts for the same period. In 1854, before the change, 73 were promoted to this degree of B.A.

Still the cramming system found its advocates, and amongst the unthinking—and they are the multitude—its numerous supporters. Not only new systems based on this principle were sought to be forced on Ireland, but even these institutions which afforded an asylum to the seekers of knowledge in academic attendance were threatened with danger. In his defence of his own university, as he honestly calls it, the Protestant college of Elizabeth, the Rev. Samuel Haughton, Fellow of T. C. D., thus writes in 1868, in favour of free teaching universities as compared to the State machine of France—'In France we see the perfection of centralisation and identity in the Lyceum and colleges; in Germany, on the contrary, we witness the full development of the ancient collegiate idea of the university, twenty-seven different and independent university systems of education existing among forty millions of Germans, each university differing from the other, and each possessing its peculiar type of excellence to attract its students.

'I believe that all who are acquainted with the present condition of science and letters in the two countries will be disposed to agree in thinking that the intellect of France is cramped by the imperial cradle in which it is raised, while the genius of Germany is fostered by the freedom of thought stimulated by such excellent though diverse centres of development as Vienna, Munich, Heidelberg, Bonn, or Berlin.'

None of the authorities I have referred to, high as they are, speak from the influential precincts of the Treasury bench, but the authority I shall now cite has all the weight attaching to occupancy of such a position. Dr. Lyon Playfair, M.P., in a pamphlet entitled 'Teaching Universities and Examining Boards,' published in 1873, says: 'From the very earliest days the teaching and examining functions of universities have been united.' The first time perhaps that the term university in relation to a seat of learning appeared in an official document was in 1209, when Pope Innocent III. included the whole corporation of teachers and students, and the style taken by that university in 1221 was: 'We, the university of the masters and scholars of Paris.' Speaking of the existence of many universities, Dr. Playfair continues to say: 'Want of unity in degrees may indicate different levels of qualification, which public opinion would soon correct, but it produces a

variety in intellectual attainments and modes of thought, which are infinitely preferable to a stereotyped system of examination, like that of the Chinese, or even that of the London University, if it were made a type for State adoption,' and he further adds: 'A combined university, when well conducted, aims at and succeeds in producing an educated man; an examining board can only be assured that it has produced a crammed man. It is the curriculum of the university, not the examination, which educates the man.' I cannot be suspected of being an advocate for the Queen's Colleges, which, in a country profoundly religious, give peculiar advantages to the very limited number who profess secularism; but even I cannot refrain from sympathising with those of that way of thinking when they see that the effect of the so-called Royal University is to lessen the number of students receiving education at the Queen's Colleges. In his last report Dr. Moffatt, President of Galway College, deplores any change calculated to interfere with the teaching of the colleges. Referring to attendance at lectures, he says, 'It is a rule, however, which I feel convinced the Queen's Colleges will never consent to dispense with, regarding, as they have always done, systematic teaching as a fundamental principle in university education. How fully the Athenians grasped this truth is seen from their word attendance on a great man's lectures; it was *συνουσία*, the 'improvement to be got from his company.' And he continues to quote Cardinal Newman, whom he calls the highest living authority on university education, when he says: 'In order to become exact and fully furnished in any subject of teaching which is diversified and complicated, we must consult the living man, and listen to his living voice.'

What an irony of fate to find the President of a State godless college citing the defender of a free Catholic university to save his own system from the demolition which, when only affecting Catholic institutions, was not only uncensured, but applauded. We have, however, a more recent pronouncement in favour of academic training. In his report on the state of education in Malta, Sir P. J. Keenan refers to the university—a Catholic institution—supported by the State, that is, by the English Government; supported for an island with a population of 100,000, whilst five millions and a half of Catholics are denied one in Ireland. Sir Patrick Keenan advocates the continuance of the university even for its 160 students, and he thus writes of these students: 'Indeed, their high, gentlemanly tone, dignified bearing, and genial manners unmistakably demonstrated their title to the enjoyment of those

academic advantages to which the scholastic youth of England and her colonies have an indisputable claim.'

But the colony of Ireland alone is to be deprived of those academic advantages. There is to be no opportunity of acquiring a 'high gentlemanly tone' for Irish Catholics; no inculcating of a 'high bearing or genial manners,' but the haphazard and limited culture of provincial schools, themselves far from efficient, or the hole-and-corner cramming in some obscure village by the professional grinder.

But what has been advocated from the example of Paris in 1209—what has been preached by Professor Andrews, by Dr. Lyon Playfair, by Dr. Haughton, and by President Moffatt, the combined system of teaching and examining, in fact the very thing the Catholic people of Ireland have been always demanding, and the retrograde system now tried and condemned by almost every educated man, is the system which, up to a very late period, the Catholic Church has repudiated.

It is interesting to note here the various attempts made by successive Governments to meet the views of the Catholic people.

They demanded a teaching system in accord with their own views, of a freedom to teach religion, moral philosophy, and history unfettered by the shackles which a mixed system trying to please every one imposes.

The first attempt of modern statesmanship was the Queen's Colleges, which banished religion and moral philosophy from their curriculum, and handcuffed the professors even in treating history. Next, after their rejection by the Catholic people, came the supplemental charter, the first proposal to dispense with collegiate attendance. This the Master of the Rolls, appealed to by the Queen's University, stopped by an injunction. Then came the proposal of Lord Mayo's Government in 1868 to charter under certain conditions a Catholic University. This, the fairest and most enlightened proposal, met its fate thus. The Prelates of Ireland had some correspondence with Lord Mayo, and declared their opinion, 'that the new University ought not to be simply a university for examining and conferring degrees, but a teaching university, having its full staff of professors—men of the highest mark in every department of science and letters.' On March 14, 1868, Lord Mayo submitted what I consider a very fair scheme; but asked opinion and suggestions from the bishops. The Prelates gave these on March 31. Lord Mayo on May 11, after an interval of a month and ten days, wrote to express the impossibility of the Government agreeing to the suggestions. In the course

of five days, on May 16, the Prelates acknowledge receipt of document of 11th, committing themselves to nothing in the way of refusal. They were probably consulting their colleagues scattered through the country. When in answer to Mr. Murphy in the House of Commons, only twelve days after the Prelates' acknowledgment and only seventeen days after his last letter, Lord Mayo announced, that 'the correspondence has shown that the conditions which her Majesty's Government thought necessary to append to the granting of a charter *have been declined.*' There was not a word about declining in the Prelates' brief note of May 16. When they heard this announced in the House, they wrote on June 16, barely a month from Lord Mayo's last letter, 'We were prepared to do what parties conducting a negotiation in good faith must be prepared to do, listen to reason, and as far as possible make concessions as well as demands.' 'Not a word of ours spoken or written indicated that we had taken ground from which nothing could induce us to recede.' I much fear the wish on the part of the Government was father to the summary manner in which they availed of a shallow pretext to abandon their liberal offer. The declaration of the Prelates that their demands, or rather suggestions, were not final, warrants me in saying that I think they might well have been, and very probably would with their consent have been, largely modified in the direction of Lord Mayo's proposal. So much for the history of the only lucid interval in the conduct of this question.

In 1873 came Mr. Gladstone's proposition—injuring the academic institutions and teaching universities in existence—but still leaving them enough of attraction to ruin any attempt at rival Catholic academic training. The true lovers of learning saw this, for Dr. Playfair thus spoke of it in the House of Commons: 'In that case Trinity would actually benefit, because the students could attend the lectures of professors, and thus be compensated for the excess of the tutorial system which now prevails at the college. And its funds being reduced by the professorial staff, it could use its endowments for practical teaching and research, in a way highly advantageous to Ireland.' Yes, to the Ireland of the minority; but the Catholic University destitute of endowments or attraction was bound to perish, and all Catholic candidates for degrees to be crammed haphazard throughout the country.

The Catholic Prelates seeing in this proposal the annihilation of the teaching system rejected it, and in this act they were in perfect harmony with every student past and present

of the Catholic University. And so this proposal fell through, and the Government which proposed it fell with it. Again the Conservative party are in power, and abandoning all the traditions of their party—they, the cultured classes—mostly reared under the academic influence of the English Universities—proposed the Royal University, the pure examining board, the mere tester of the crammer's art, the very opposite of everything hallowed by the past and worthy of conservative care in the future—for the modern invention of the Liberal party, the *beau ideal* of the extremest democrat.

Unfortunately, I believe the Catholic authorities, worn out by the protracted struggles, accepted the fatal proposal which divorces those functions, teaching and examining, which they had held should not be separated, and which plunges the country in its higher education into all the evils so rife in the intermediate system. Truly the Royal University is a fit climax for the cramming system now prevalent in our intermediate schools.

This system Professor Mahaffy condemns, and here he has the support of Mr. Matthew Arnold. This eminent authority complains that the Irish education should be handed over to English routine and clap-trap. 'Meanwhile,' he says, 'however it sacrifices to its routine and clap-trap not only their own education, but the education of the Irish middle class also; and this is certainly hard.' And, he continues, seeing the danger spreading higher: 'I suppose no one will dispute that the type of secondary instruction in the Intermediate Board, the type of superior education in the new Irish University, is determined by that maxim regnant as we are told in the middle class electorate of Great Britain. "The Liberal party has emphatically condemned religious endowments; the Protestants of Great Britain are emphatically hostile to the endowment of Catholicism in any shape or form;" and this when we have in Britain, Oxford and Cambridge, Eton and Winchester, and the Scotch Universities.'

Yet so it is, against the learned opinion of the entire empire, and against the express will of the Irish people is this system of cram and examination forced upon Ireland. I can only find a reason for this strange policy in the words of Dr. Haughton, F.T.C.D.: 'English politicians, in the matter of Irish University education, have hitherto imitated the doctrine laid down by Mr. Bumble—that "the great principle of outdoor relief is to give the paupers exactly what they don't want; and then they get tired of coming."' Well tired as we are, I avail myself of the privilege now afforded me of protesting, in the name of true culture and of justice, against the last out-

rage upon both, embodied in the examining board composed of persons totally unfit, 'lords and judges and elderly amateurs,' the majority of them, to direct the difficult task of education. The grievance is the more intolerable, as it most affects the Catholic people, who are the vast majority. The Episcopalians have Trinity College, a well-endowed teaching University. The Secularists have Cork and Galway teaching colleges. The Presbyterians have Belfast to perform a like function. The Catholics—in other words, the Irish people—have no teaching establishment provided by or aided by the State. Now what are the grounds for refusing this privilege? The principal, and almost only one, is that the youth of Ireland should not be handed over to the Church. The natural answer would be, leave that to the Irish people; if they wish to place themselves in the hands of the Church, they have as much right to do so as those who wish to sever all connection with all religious influence.

But there is another argument. The proposal of the Catholics to have a free university in the metropolis, where Catholic youth may graduate toward opening manhood, and not remain as schoolboys, is one of extremely liberal tendency compared with the effect of the Royal University scheme. Under its influence Catholic youth may remain till manhood under clerical control in provincial seminaries, far more completely under the dreaded influence than they would be in a university with a free constitution in a great centre of thought. As to the freedom in such an institution I can speak from personal experience, and can say that, even under its constitution as it stood in my time, more complete freedom of thought and discussion was exercised in the Catholic University by the student than was possible in other and kindred institutions in Dublin.

There is no reason in the world then, except blind and wanton resistance to the national will, and indifference to the highest opinion of the learned, that a Catholic college or university should not be established and endowed, where, free and autonomous, and complying with any test, it may cultivate learning after its own fashion. And I only hope the Irish representatives will demand this, not as a concession, but as a right, and in so doing, if it be necessary, exhaust every power at their disposal, within and without Parliament, to enforce compliance with the will of the Irish people.

By so doing they will be only exercising a constitutional right, while, in addition, they will be acting in accordance with the weight of all the learned opinion worth consulting on this matter.

University Education as represented by the Irish Universities.

By W. H. S. Monck.

IN treating of our Irish Universities, I think I may lay down in the first place that the objects of an university are two in number, namely, to teach and to examine, recording the results of its examinations by certificates of proficiency. Some universities, however, make the former their primary object, while others attend chiefly or solely to the latter. If an university does not examine at all or confines its examinations to those whom it has taught, and furnishes records of their proficiency only, it may be called a teaching university. If it examines and decides on the proficiency of all candidates who present themselves for examination without making any provision for teaching them, it may be called an examining university. Finally, if it provides teaching for those who choose to avail themselves of it, but examines and gives certificates of proficiency to persons whom it has not taught, it is both a teaching and an examining university. All three kinds of universities have been tried in Ireland. The Queen's University was a teaching university only. The Queen's Colleges were branches of it, and its examinations were confined to students who had studied in these colleges. The University of Dublin is both a teaching and an examining university. It provides teaching for those of its students who desire to avail themselves of it, but examines students who have received no teaching whatever from its staff, and awards its degrees on the result of its examinations, irrespective of whether the candidates have received any teaching in it or not. The new Royal University, on the other hand, is a purely examining university—unless indeed the Queen's Colleges are to be considered as so far affiliated to it that they may be looked upon as its teaching department. Even then, however, there would still be an important distinction between it and the University of Dublin. The teaching staff in the one case consists exclusively of professors; in the other mainly of tutor fellows. In the one case the examiners and teachers will probably consist of distinct persons; in the other the same individuals conduct both departments. We have thus tried all systems, and are, or at least will soon be, in a position to determine which is the best.

The reason for which the Royal University was founded is sufficiently known. It was on account of the objections on religious grounds raised against the other universities and university colleges in Ireland. A few remarks on this religious

difficulty may not, however, be out of place. The general question as to whether religious education should form a part of the teaching given at an university is rather one for statesmen than for writers on education. But as to whether a State grant should be made in aid of the promotion of secular education only, or in aid of both secular and religious education, statesmen differ, and will continue to differ; though of late years the tendency has been to limit State aid to secular instruction. There are special reasons for adopting this course in Ireland where there is no Established Church, and the members of all religious persuasions are placed on a footing of equality. If the religious education of university students belonging to one creed is to be provided for at the public expense, the members of every other creed would have a right to claim the same privilege, and the State would have to look after the orthodoxy of the professors in each religious department—to see that the Protestant professors were sufficiently vehement in their denunciations of Popery, and the Roman Catholic professors in their denunciations of heresy and schism. The State has, I think, done wisely in declining such a task as this. It is true, indeed, that State assistance has not been entirely withdrawn from religious teaching in the University of Dublin. Founded as a Church of Ireland university, it has not been completely remodelled since that Church was disestablished; and the college authorities still apply a small portion of its funds towards the religious instruction of the students who belong to the Church of Ireland, and to a divinity school which is substantially limited to the same Church, and the sister Church of England, though members of other religious persuasions can now obtain theological degrees. The university must, however, be regarded as in a transition state, and in a few years the application of any portion of its funds to the religious instruction of the students will most probably cease. The State will confine itself to secular instruction, and leave the different religious bodies to supply religious instruction for the students who belong to these respective communions; and in this arrangement I believe most of the heads of the colleges would concur if the funds of the institution were left intact.

This system has been severely criticised, but I think unjustly. The Queen's Colleges, for instance, have been stigmatised as godless, because in them no religious instruction is supplied to the students at the public expense. I cannot think that there is any rational ground for this accusation. Is the Bank of Ireland godless because it does not furnish religious instruction to the young men in its employment at its own expense? Is

the Post Office godless, because it does not provide religious instruction for the clerks and telegraph boys? Or are our great mercantile establishments godless for similar reasons? In all these cases we find great numbers of young men belonging to different religious persuasions associated together at their work, and no doubt often associated also after office hours: but no one blames their employers for not keeping the Protestants and Roman Catholics in separate rooms, and supplying each of them with religious instruction *gratis*. Nor, I believe, is there anything in secular education so hostile to religion as to render it necessary to give to young men engaged in receiving secular instruction a large amount of religious instruction as an antidote, while young men of the same age engaged in a bank or a counting-house require no such protection.

And in addition to the practical difficulties involved in providing religious instruction for young men of so many different religious persuasions, there is a further reason why, in my opinion, it should not be incumbent on the heads of any university or university college to supply it; namely, that if you seek to make the religious instruction really efficient, you will make secular instruction inefficient and *vice versâ*. Take the case of a Catholic college. If you limit all the fellowships and professorial chairs to members of that faith—members of whose orthodoxy there is doubt, and of whom the greater part are ecclesiastics—can the secular teaching be expected to be as efficient as if the fellows and professors had been selected on grounds of educational merit only? On the other hand, take such an institution as Trinity College, Dublin. I am not of course speaking of its divinity school, but of the religious instruction which it provides for the Protestant students generally. The fellows are selected for secular merit only; but to provide for the religious teaching of the students, the greater part of them were until recently required to enter the Church within a limited period. Now it is a significant fact, that since this rule was relaxed some fifteen years ago, not a single fellow has taken Holy Orders. Can it then be supposed, that the fellows who were compelled to enter the ministry by the rule I have mentioned were the best qualified persons to attend to the religious education of the students? But the fact that they were supposed to be attending to it was sufficient to exclude the ordinary ministrations of the parochial clergy. As a rule, I think the religious instruction given to students in Trinity College has not been efficient, and I am disposed to think that the Church of Ireland would have provided for it in a better way if the college authorities had not attempted it. The State

is, I think, quite justified in refusing to grant assistance for any other purpose than secular education, or to any institution which is not open to all comers. In fact, the notion that religious teaching forms an essential portion of university education is one which has come down to us from the dark ages. The priests were then the only persons who were sufficiently educated to give secular instruction at universities, and they acted as priests as well as teachers, often subordinating the secular to the religious element. But this state of things is now completely changed. Laymen are now in many instances quite as well educated as ecclesiastics.

Irrational, however, as the objection to these 'godless' colleges was and is, it existed and still continues to exist in many quarters, and it seemed hard that a man whose attainments were in every respect equal to what was required in these colleges, should be refused a degree—that hall-mark of intellectual acquirements which is often essential to preferment—for no other reason than that he declined to avail himself of their teaching. The proposal to remove this hardship by the institution of an examining university was a fair and reasonable one, provided, of course, that the scale of proficiency represented by degrees was not lowered, and that students at this university were not deterred from making use of the teaching supplied by the State. This was the object of the Royal University, and if this object is properly carried out, that institution will, I believe, prove of the greatest benefit to the people of Ireland. And this observation leads me to make some remarks on the relative merits of a teaching and an examining university—institutions whose functions do not perhaps differ so much as many persons seem to suppose.

In the first place it will, I think, be admitted that the great object of university education is to teach the students to educate themselves—to induce them to apply their minds to the subject and to master it, instead of merely cramming them with a number of facts and formulæ. In the next place there is hardly a subject within the compass of an university curriculum on which we do not possess excellent and clearly-written text-books—books often equal or superior to any oral teaching which the ordinary university fellow or professor is likely to give, and which a good system of university examinations would doubtless multiply. Now if the pupil can be induced to study and master these books for himself, do we not thereby accomplish all the ends that oral teaching could effect? That the student might often gain much by social intercourse with the most ardent and talented young men of the day I do not

deny; but that advantage is hardly to be set down to university teaching. If an examining university selects the best books in each department for its alumni to study, offers valuable prizes and distinctions to those who have really mastered them, and takes care to have its examinations conducted in such a manner that none but those who have a competent knowledge of the subject can obtain these prizes, I believe it will have accomplished very nearly as much for the education of the students as a teaching university can accomplish. 'Prudens interrogatio,' says Bacon, 'est dimidium scientiæ'; and the observation is true in more senses than that in which he intended it. A good system of examination, with sufficient inducements held out to the candidates to work hard and pass it successfully, will, I believe, produce as sound scholars as any teaching university can turn out. And here I may appeal to the experience of the University of Dublin. When a graduate of that University is an applicant for any educational post of importance, an inquiry is always made as to what honors and distinctions he obtained during his university career; but who ever dreams of inquiring whether he attended lectures or kept his terms by examination, except for the purpose of taking an *ad eundem* degree in some university where the examination system is as yet unrecognised? The degree of the man who has been both taught and examined is not regarded as in any respect superior to that of the man who has been examined only; and probably one-half of the Dublin graduates are indebted to that University for nothing but their examinations. For my own part I kept but one of my eight, or rather ten, terms by lectures, none of which related to the subject in which I afterwards won my gold medal; nor did this fact militate against me when I applied for the professorship which I now hold. Moreover, if the pupils to be taught by a teaching university are at all numerous, they must be divided among several teachers, whose knowledge of the subject and power of conveying that knowledge will vary in every possible degree. Some will be well taught, some indifferently taught, and some badly taught. This observation is specially applicable when the fellow-tutor system is adopted instead of the professorial. Under the professorial system an effort is made, though it may not always be successful, to obtain the best man in each department, and the teaching in that department is entrusted to him. But the fellow-tutors are chosen for proficiency in a limited number of subjects, among which classics and mathematics are accorded so decided a preponderance that no degree of excellence in other departments will insure success, nor will any degree of ignorance in them

insure failure. After having been thus elected, the fellow is frequently appointed to teach in a subject his knowledge of which has never been tested, and is perhaps of a very superficial character. This will often be the case even if the best selection is made from amongst the limited class to which the choice of teachers in every department is confined. Teaching of this kind is often inferior to what can be derived from a good text-book, and indeed what are called lectures are frequently no more than running examinations. The attempt to combine teaching with examinations in an university has another defect. Not only is it true that the best teachers are not always the best examiners and *vice versâ*, but a candidate who has studied under a particular teacher enjoys an unfair advantage over the other candidates when examined by that teacher. Moreover, where the same examiners are repeatedly employed to examine in the same subject, and more especially if they also deliver lectures on it, their idiosyncrasies become known to the private teachers or 'grinders,' who are often able to tell the student beforehand almost every question that will be asked; and a good grinder together with a good memory frequently serves all the same purposes as an accurate knowledge of the subject. Indeed the number of these grinders and of the students who pay them for their assistance, affords strong evidence that the average university teaching in Dublin is not of a high order; and the fellows have, I believe, rendered more service to the cause of education by the many excellent text-books which they have published (to say nothing of original researches) than by their oral teaching. I am speaking only of the department of Arts. In the medical school, for instance, no study of books could supersede the necessity of attendance at the hospital and the dissecting room; but in that school the system of instruction is not tutorial but professorial. As to the department of Arts, however, I think almost all the functions of the present University of Dublin could be equally well discharged by a good examining university, and that the Dublin graduates who have only been examined exhibit no marked inferiority to those who have been taught as well as examined. The principal advantage to be derived from residence by students in Arts is to be found, I believe, in association with other young men, and in such institutions as the Philosophical and Historical Societies. The great diffusion of knowledge by means of the press has reduced the value of university teaching in Arts to comparative insignificance, and if the Royal University will take sufficient pains in the selection of its curriculum, and of its examiners, and adopt a sufficiently

high standard of merit, there is no reason why its degrees should not rank as high as those of the University of Dublin. The Royal University is, I believe, fully adequate to the purpose for which it was founded, and will succeed if conducted on strictly educational principles and kept clear of politics and religion. But I confess that the composition of its Senate leads me to entertain some misgivings on this latter point, and the list of rewards which it proposed to bestow looked like an attempt to bribe young men to go there for their degrees rather than a genuine effort to reward merit where merit was shown. A lavish and indiscriminate distribution of prizes is one of the most effectual methods of lowering the real value of university distinctions, and the Government deserves the thanks of friends of education in Ireland for declining to sanction such a scheme.

Supposing, however, that the Royal University is properly worked, its existence will prove advantageous even to the rival University of Dublin. The heads of that University are by no means above the teachings of experience, and if it is once known that the Royal University has adopted a better system of examination, the Dublin authorities will do their utmost to bring their examinations up to the same standard; nor can there be a doubt that the Dublin staff of teachers includes men as highly qualified to examine as any in Ireland. The heads of the University of Dublin will moreover endeavour to make the most of the advantage which it possesses as a teaching university, by improving its methods of teaching; and thus the competition between the two Universities is likely to benefit both departments of the older one. But, of course, for this purpose it is essential that the rivalry between them should be confined to teaching and examining, the motive held out to the student to enter one or the other being superior excellence, not superior money advantages. The University of Dublin possesses large endowments. If challenged to a contest of bribery, it is possible that it may not decline to enter into it; but such a contest would be fatal to the interests of higher education in Ireland. I trust that the Royal University will not earn a reputation for itself as 'cheap and nasty,' and that students will not be led to commence by entering it for the sake of the emoluments, and to conclude with a Dublin degree for the sake of the respectability. I may add that I do not think it desirable to make superior education too cheap and too easily attainable. Educated paupers are usually rather a dangerous class; especially in a country where agitators and stump-orators are in such demand as in Ireland. Already

indeed most of the liberal professions exhibit symptoms of being overstocked.

I have not hitherto touched on the Queen's Colleges. In these colleges the professorial system is adopted, and in my opinion that system possesses decided advantages over the tutorial, except in the leading subjects of classics and mathematics, which form the principal items in the Dublin fellowship course. There is hardly a Dublin fellow who has not proved himself fully qualified to hold a professorship in one or other of these subjects, and latterly there has been some intermixture of professorial work in other departments. Of the practical teaching in the Queen's Colleges I have but little personal knowledge; but speaking generally it seems to me that one professor of mathematics is not sufficient for a large college like Belfast, and that though Galway is a smaller college, the present arrangement by which the president of that college fills not one but two professorial chairs, is singularly anomalous. It would be difficult to find in Ireland two gentlemen more highly qualified to occupy their respective posts than the Professor of Mathematics at Belfast, and the President of the Queen's College, Galway; but I doubt if the work assigned to either of them ought to be assigned to any one man, and I think the Dublin system under which duties not much more arduous are divided among several fellows, sometimes with the aid of a non-fellow professor, is much superior. The Catholic University has two Professors of Mathematics, one of them a man of the very highest eminence, while it will probably be found that the number of students in that department is smaller than even at Galway. But institutions like the Catholic University, though dependent on the bounty of the public, and probably not over-supplied with funds, are often conducted on less parsimonious principles than those which are supported by the State. Jobbery in the selection of professors, and parsimony in the payment of them, are the two evils that have to be guarded against in institutions so completely under Government control as the Queen's Colleges; and both these causes have I believe, in more than one instance, prevented the superiority of the professorial over the tutorial system from being established by the test of experience. If a professor is appointed not because he is the best man, but because he is the friend of some influential peer or member of Parliament, or because his appointment is expected to give satisfaction to Churchmen, or to Presbyterians, or to Roman Catholics—to Conservatives, or to Liberals—and if he is assigned too arduous duties and compelled to discharge these to an advanced age, because no

adequate retiring pension is provided for him—it cannot be said that the professorial system is being fairly tested. On the whole I think it is surprising that the Queen's Colleges have attained such excellent educational results as they undoubtedly have done.

In conclusion, I look forward to the future of university education in Ireland with much hope. All real grievances are, I believe, now removed, and we have only to place scholars instead of ecclesiastics and politicians at the head of every department, and to lessen the amount of Government interference, in order to insure success. The University of Dublin is at present free from both these evils. Its heads *are* scholars, and the amount of Government control over it is very limited. The Royal University requires a change in the same direction, and with such a change it would, I believe, prove a great boon to the Irish people. There is room for both institutions, and their rivalry will, I trust, always be of a friendly character, and will prove beneficial rather than injurious to the cause of university education in Ireland.

A very valuable Paper was also read by the Rev. Professor McDevitt, D.D.,[1] of All Hallows College, on the 'System of Higher Education best adapted to Success in Life;' stating as the terms of his problem—'Given from the age of nineteen to twenty-three years in a College or University, what is the best system of educating a young man to fight the battle of life with the greatest success?'

After dwelling on the necessity of *liberal culture* for forming and disciplining the intellect to think and reason, and to discriminate the objects of truth presented to it, and insisting upon the educational value of the study of Latin and Greek pursued on a more liberal plan than that which now prevails, he proceeded to quote with approval from the report of Dr. Newman for the session of 1855–6, when he made 'the School of Medicine a substantial part of the university which he established in this country' as follows: 'The number of students in our Medical School was forty-three last year; in the session which is now beginning they already amount to fifty-three. At present, as is unavoidable, they almost entirely belong to the class of auditors who are neither subjects of the university, nor have passed the examinations in the Faculty

[1] This Paper has been printed *in extenso* by M. H. Gill and Son, 50 Upper Sackville Street, Dublin.

of Philosophy and Letters. There will, indeed, be always a number of students so circumstanced, nor is it at all desirable to shut our lecture-rooms against those who, without a university education, will, under our medical professors, have the benefit of a much healthier atmosphere of thought than is to be found in other places. But this being fully granted, still our object obviously is something more than this. Our object is to form a school of medical practitioners, who will not merely avail themselves of our classes, but are identified with *Alma Mater* as her children and her servants, and who will go into the wide world as specimens and patterns of a discipline which is at once Catholic and professional.'

Dr. McDevitt then proceeded: 'Thus there were two classes of students in this School of Medicine—those who were merely auditors, that is, who attended lectures there, without having any further connection with the university, and, while mere auditors, were to be welcomed to the lecture-rooms of the Medical School, on the grounds that, under the teaching of its medical professors, they will be living in a much healthier atmosphere of thought. Yet it is distinctly set forth that the direct object of the university in establishing the School of Medicine was to bring as many as possible of the numerous class of medical students in Dublin under the immediate influence of the teaching and discipline of the university.

'With a view to further this object, the Board, at the recommendation of Dr. Newman, established ten burses of 50*l.* each, to be held by such medical students as would consent to pass two years in the School of Philosophy and Letters previously to their entering upon their professional studies. But what was the result? In the interval of seven years—that is, from 1855–6 to 1862–3—twenty-nine students only availed themselves of these burses, which makes an average of five for each session! One cannot fail to be struck with this fact—that where there were so many medical students, so few sought to avail themselves of the very substantial advantages held out to them by this scheme. There was one cause for this result, the operation of which was palmary. The ordinary term of a medical student's course in Dublin is from three to four years. Now, the obligation of spending two years in arts previously to entering on the studies of the profession, imposed for the best of reasons by Dr. Newman, would make the student's term of medical instruction in Dublin from five to six, instead of from three to four years.

'It must be remembered, also, that the parents of young men coming up to Dublin to study medicine are naturally

anxious that their sons should complete their course in the shortest time possible, and the young men themselves are almost all intensely eager to take the shortest possible cut, both in the matter of time and study, to their diploma. Hence the very strong attraction of a burse of 50*l.* a year, with all its educational advantages, failed in great measure to induce medical students to spend two years in the School of Philosophy and Letters before entering on the special studies of the profession.

'To meet this failure an arrangement was made some time afterwards by which medical students might, while pursuing their medical studies, read a limited course of philosophy and letters, entitling them to the university prizes. But this second effort in the same direction met with little success.

'The total number of medical students who could even be bribed to season their medical studies with a modicum of philosophy and letters, in the six years from 1861–2 to 1866–7, was fifty-two!

'Now, having these points in view, there can be no doubt that so long as medical students get their diploma without requiring from them any proof of scholarship, they cannot be attracted to submit their mental faculties to that discipline which will enable them to take up their special studies and subsequent practice with greater success. Dr. Newman's inducements attracted twenty-nine students only, and after seven years they collapsed. The wider and more attractive plan adopted later on did not succeed much better. And, indeed, I cannot conceive how the medical student can accomplish his professional studies unless he have his reasoning powers previously cultivated. Take, for instance, the study of the nervous system. Why, this system includes the most delicate questions about the brain, the spinal cord, the formation of the brain, the nerve-current, and the connection of mental operations with physical processes. Then, there is the great question of the activity of our system founded on the law of pleasure — a law we may look upon as in many respects the foundation and the mainstay of our being. It is the principle of self-conservation, of self-acting impulse of the animal system. I say that the study of all this intricate system and other matters of a kindred nature demands a highly sharpened intelligence. And it gives me peculiar pleasure to note here the opinion of the distinguished educationist who happily presides over this department of our Congress. Sir Patrick Keenan, in his admirable Report on the Educational System of Malta, suggests reforms in the

university there, and among them one in reference to the education of medical students. At page 60 he says: "The Schools of Natural Philosophy, Chemistry, and Natural History, in all their branches, should be exclusively attached to the curriculum of arts; and it should be made obligatory upon the medical students to attend those schools, and to obtain certificates of proficiency on the subjects taught in them. The Professor of Political Economy might, as I have already suggested, be required to take up medical jurisprudence, and at the lectures on the latter subject the attendance of the medical students should also be made obligatory." Therefore, this most successful reformer in the various branches of education would make it obligatory on medical students to obtain certificates of proficiency in branches of liberal knowledge that would place the medical practitioner, before entering on his professional studies, or during them, under the influence of mental discipline.'

Dr. McDevitt went on to urge that this 'fair share of intellectual awakening' was essential in every walk of life; and that 'even higher education is not to be the exclusive privilege of the rich—it is not as some pretend a blessing to the rich and a curse to the poor;' and discussed some of the local reasons which had made the attractions offered insufficient to draw a large number of medical students into residence, and concluded: 'The bare system of examination is, without doubt, a serious obstacle to the success of higher education in this country. It brings the mind out of its own natural and wholesome atmosphere into the unhealthy air of a hot-house, and forces its faculties into a growth which, as soon as exposed to the sharp winds of the striving world abroad, droops and dies. Then many matters, the most important that can occupy the mind of thinking man, must be omitted from the matter for examination in a common university; and this is decidedly a loss, so far as the absence of it will occasion neglect of the study of these subjects. Thus in fixing a common curriculum for examination in history and morals, peculiar difficulties will arise from the opposite views of men of different religious persuasions, or with different political traditions. But in this country since we cannot grow flowers in the open air at all seasons, we must have them forced in hot-houses; so it is wise for the Catholic Bishops, worn out with the everlastingly deferred removal of their disabilities in this matter, to accept, when they could not have the best, the second best, since it is not opposed to any Catholic principle. In history and morals allowance must be made for difference of views, even when

propounded in the same college, and in the case of fixing a curriculum for the examination of graduates from different colleges, the difficulty can be met in the same way, and the more irritating points omitted altogether. The Senate will, I am sure, aim only at furthering true education by making the curriculum as wide as possible, and leaving out the irritating points of religious differences; and the examiners will, we are bound to hope, be competent men who know how, in the selection of questions and the judging of the answers, to make fair allowance for the peculiar views and different religious opinions of the candidates. Then, as a set-off against the defects of the bare system of examination, this Royal National University will have the advantage of showing the merits of the different colleges, and excite a keen competition upwards. It will have the advantage of bringing together, on a common platform, the youth of the best blood in Ireland, to render an account of their university course. Thus would be obtained what many most ardently desire—those advantages to youth of different creeds meeting in healthy and friendly rivalry.

'This second-best and imperfect system now established by the Royal Irish University, to be successful on its own lines, needs the guiding influence of the brain that conceived and framed the existing measure of Irish Intermediate Education. Sir Patrick Keenan, who directs our proceedings here with such learning and dignity, was the man who secured for his country that most beneficial measure, passed for Ireland since emancipation. And it is not too much to hope that he may be able to apply the same principles to a common National University for Ireland. Let the affiliated colleges be left free to teach in their own way, and be paid for this teaching, provided its results come up to the standard of secular knowledge required by the law. Thus the evil of the system of bare examinations would be checked to some extent by the teaching in the affiliated colleges, and thus, too, the State would not be giving to the Catholics what had been taken from the Protestants of the country, but would be paying Protestants, Presbyterians, and Catholics for teaching all branches of secular knowledge. The nation would be getting what belongs to the nation, and as to the fact that a portion of the public endowment should go to Catholics, the statesman may say that he regretted they were Catholics: he would prefer they were Protestants; but seeing they were Irishmen, it was but simple justice they should have a proportion of what was due to them as Irishmen. In the dispensation of Providence the fertilising rain is made to fall on the unjust as well as on the just;

so it would be wise in a Government to follow the rule of universal Providence, and rain down its blessings, not alone upon the favoured pale of secularism, but also on that vast region beyond, so long left to arid barrenness.'

DISCUSSION.

The Rev. Professor MAHAFFY (Trinity College, Dublin) confessed that he was somewhat impatient to speak on the subject brought forward, and especially concerning Professor Monck's Paper, for he thought it contained many matters which required an answer. Professor Monck was a friend of his, therefore, he thought, he was entitled to deal with him with some severity. The first point made by the Professor was that there were excellent text-books published on all subjects of learning, and that there was no reason why a young man might not provide himself with such; and when he had read them he had done more than any one could teach him. He was very much surprised to hear this, because Professor Monck had for years past spent his time as a most successful coach in exposing all the errors of some of the best text-books published. If they put a good text-book into the hands of a stupid boy he would not know how to read it. To such a boy it was no easy matter to make it out; it had to be explained paragraph by paragraph; wrong notions formed had to be set aside, and the teacher had to go back continually to see whether his pupil understood the argument. Looking at his own university, indeed any university, he was of opinion that the stupid boy benefited more in proportion than the clever boy by the training he received in such institutions. A clever boy would teach himself in some way or other by text-books, but the stupid boy, whose intellect was slow, could only be taught by the constant infiltring of ideas, and university opinions. For such an one a university training, a university atmosphere, was a vastly important thing, for he learnt more within its walls than he could possibly have acquired from text-books. Dr. Stokes was one of his (the speaker's) unofficial teachers whilst in Trinity College as a student, and he owed much to him for the opinions with which he was the means of imbuing him. It was his (the Professor's) boast that he had educated and cared for a gentleman who had become distinguished in the world—he alluded to Mr. Oscar Wilde, who was now an important figure in London society. Though they now differed on many important points, and though there was much to blame in his recent poems, if he had not taken the greatest pains in instructing that exceedingly clever man, whom a great many persons admired and some ridiculed, he would never have attained to his celebrity; and as Mr. Oscar Wilde was the father of an æsthetic movement, so he (the Professor) thought he must consider himself the grandfather of it. Professor Monck said that the professorial system adopted in the Queen's Colleges was superior to the fellow-tutor system, mainly adopted in Dublin; and that the knowledge of the fellow-tutor was only tested in one or two leading subjects,

after which he was set to lecture and examine in subjects in which his own attainments have never been proved in any way. Any one who knew anything about Trinity College was fully aware of the fact that they had not a strictly tutorial system; and that a tutor only lectured on subjects which he thoroughly understood. He remembered when he first commenced his duties as a tutor, how, not feeling thoroughly master of the subject assigned to him, he consulted the Provost, and said: 'Sir, I do not understand this subject sufficiently, kindly select for me something else.' He was immediately put on another course, and ever since he had lectured on those subjects in which he had been specially trained. With regard to 'grinders' and private 'coaches,' he did not believe they were of more worth at a university than elsewhere. In all teaching and examining systems the 'grinder' was required, and he considered the fact of a private 'coach' being required was the strongest argument in favour of a teaching university. What, he would like to know, was a 'coach' more than a specially paid person to do special work? He would as long as he lived raise his voice against the vicious principle of having examining bodies which attempted to educate people by written papers. He would now pass on to say a few words upon the other two Papers, and particularly respecting that of Mr. Dawson, with most of which he thoroughly agreed. He thought the general principle put forth by that gentleman was sound, and he thought most of them had always held it. He had endeavoured to impress upon Lord Spencer, when Lord Lieutenant of Ireland, the importance of establishing a specially endorsed and chartered university for those who could not agree or accept the other universities, and Lord Spencer's reply was that it could not be proposed, owing to the opposition of a certain party in English politics. It was said that the Royal University was accepted because it was better than nothing. What, he would like to know, was 20,000*l.* to the Irish nation in comparison to the education of the people? He was proud to think that Dr. McDevitt maintained that medical students should be trained in arts before they proceeded to take their diplomas. In Trinity College they insisted upon a B.A. degree before a medical degree was obtained, and he hoped that it was the direct result of this noble system that the moral character of the medical students in that university was very different from that pictured by Dr. McDevitt. He had been thrown largely in contact with medical students—and the number attached to that college was very large—and he must say that there were no set of men in the college more moral, earnest, or devoted to their work. The question of time was a great difficulty, and if parents did not like their sons to spend a great deal of time at the university, all he could say was that they had better not send them there at all, but direct their attention to other pursuits.

The Rev. T. A. Finlay, S.J. (Tullamore), said that as it seemed agreed upon that Government had not done its duty by the Catholics of Ireland in the matter of university endowment, the shortcomings of the Government might now be left for correction to the gentlemen who, like the Lord Mayor elect, had engaged to take the question practically in hand. Pending the conversion of Government to a

better mind, it was the duty of the Catholics of Ireland to make the most of the position in which recent legislation had placed them. If this legislation did not do much for them, at least it enabled them to do something for themselves. It put university honours within their reach, and rewarded them, though not over-liberally, for winning them. Out of this meagre concession a good deal could be made. At present a large amount of teaching energy was expended in preparing the higher boys of certain Catholic grammar-schools for the degrees of the London University. The success of these efforts had proved that these schools could furnish men equal to the requirements of university teaching. What was to prevent the grouping of these scattered forces round some centre such as the Catholic University? Why should not the Catholic teaching bodies be encouraged to found university colleges at their own expense, and to carry them on at their own risk? A number of such colleges in Dublin could be made to form the beginning of a teaching university such as most of the speakers had desired. And if the Catholic body could be content to begin modestly and to work hard, Government might easily be brought to give further help to those who could thus help themselves, and we might look forward hopefully to a definite solution of the university difficulty in Ireland.

Dr. Abraham (Dublin) did not think the Section had before them as yet the central point round which their controversies ought to turn; and, accordingly, following a very eminent example—that of Cicero—who usually made the interlocutors in his disputations settle at starting the question in debate and the meaning of the words in use, he thought they should determine in the first instance, what is the primary and essential conception of a University at all? As understood by himself and by his fellow-Catholics, a university is a corporation endowed by the State for the purpose of instructing and of educating the youth of the country in the higher liberal studies, and of certifying the academic youth, so instructed and so disciplined, to have been duly and adequately taught, trained, and formed. The term 'examining university' had come into accepted use; but then as a matter of fact, the institutions so designated did not examine at all. They committed the duty of examining to outsiders. They were simply Boards for the regulation of a *curriculum* and the distribution of funds; nor could they with greater propriety be called examining universities than an insurance company could be called an examining physician because it sent the party desiring insurance to its medical referee. But whatever else these examining universities, that neither instructed nor educated, nor even examined the candidates for their degrees, might be, they were not what the Catholic people of Ireland demanded, and would yet have. Their claim was to have their youth trained in the higher studies by an instructing body, an educating body—by a body, moreover, disposing of adequate endowment from the State; first, because it is their right, and secondly, because independent universities, such as those of Louvain and Brussels, have never been thought of in this country by any one. Now had it ever occurred to them to inquire, how far had the State provided for Ireland anything that could be called a National Univer-

sity? The Episcopal Protestant minority, who counted by the thousand, have had their own university after their own heart lavishly endowed and splendidly officered; the other Protestant minorities, from those counting by the thousand down to those whose element in the population is represented by the minutest decimal, have in the Queen's Colleges what meets their needs and wishes; while the Catholics, who form the millions of the population, have had their position and requirements ignored. The whole course of legislation in Ireland, whether administered by the Parliaments of the Pale in Kilkenny and Drogheda, or by the Irish Parliament so called in Dublin, or by the Imperial Parliament since 1800, had until recently been to take such admirable care of the rights of the minority as to leave no rights, or next to none, for the majority. So is it even now as regards the matter upon which he had ventured to address the Section. The Protestant Episcopalians had all they wanted or could ever want in the University of Dublin, as notwithstanding its formal and technical secularation no one looked forward to the time when it would be less Protestant than now. The other non-Catholics had all *they* could wish in the Queen's Colleges, because equally little was the time anticipated when those institutions would become more Catholic. The speaker had in his young days entered Trinity College of his own accord, at man's estate accountable to no one, and responsible for no one but himself. The question was something very different, however, for a parent who had to face the responsibility of sending his son to encounter risks which in his own case he had either not suspected or been prepared to brave. The scruples of such a parent may or may not be excessive; but he is within his right when he claims respect for them; and when they are the scruples of a nation they must in the long run compel respect. It was by a curious irony—he might almost say Nemesis— of fate that the Imperial Parliament, in its desire to minimise any extorted concession to the Catholic laity, had through the conjoint effect of the Maynooth and of the Royal University Act, created in Maynooth College the type almost, and abstract of a clerical university—a university purely and exclusively clerical—where in their own halls, upon their own freehold, following the daily lectures of their own professors, accepting simply the *curriculum* of the Royal University, with the examinations brought home to their own doors, and without so much as passing the College gates, the candidates for the Irish priesthood will qualify for their university degree at the charge of the State. Let it not be imagined that the Catholics would rest satisfied with anything for themselves short of what had been effected by Parliament, however unintentionally or ungraciously, for the Catholic clergy. On no other terms could the university question be settled for Ireland.

Mr. J. W. Joynt (Dublin) said there had been many broad questions opened up by the Papers which had been read, on which he hoped the discussion would be profitable. They must examine the question apart from prejudice, and see what was involved in it, a question which always seemed to slumber and always to awaken afresh. Every form of university education had been tried in Ireland, and not one of them

seemed to give universal satisfaction. Now the Papers read had divided themselves into many heads, of which the most important was the question of a promise of a Roman Catholic University for Ireland. With regard to the advantages of teaching and examining, Professor Mahaffy had said sufficient, and he thought they would all agree with him that a teaching university was preferable to an examining university, and that the Royal University in that form was a very questionable boon. In discussing the kind of university education for Catholics, they found themselves on very delicate ground, and sometimes the expression of an individual was taken to mean exactly opposite to that which he meant to convey. He (Mr. Joynt) desired to discuss the matter in a fair and impartial spirit, and to support that which was likely to benefit Ireland, Catholic and Protestant alike. Mr. Dawson, in the opening Paper, had sounded no uncertain note with regard to his views and those of his party on the question, and said that the Royal University had been merely accepted on the score of expediency, they being unable in the meantime to obtain a Catholic University. Whether the Royal University was good or bad, he (Mr. Joynt) maintained the Roman Catholic Hierarchy had stultified themselves in asking anything more from the Government. It was his view that the Catholics had, to a considerable extent, placed themselves in the position of being satisfied whether they are or not. Why did they accept the Royal University? Mr. Dawson had said they had got tired and would not ask for anything more. He said that was not a sufficient cause for any religious body professing themselves content with an institution. The Catholics of Ireland did not, he thought, labour under the disadvantages to-day that they complained of. Trinity College had thrown open its gates to them, and they had refused to enter. But the hostility which was felt against Trinity College by the Roman Catholics was begotten in the days of Protestant ascendency, and would take a considerable time before it could be eradicated. There was now, however, no Protestant ascendency; every disability under which Catholics and Dissenters laboured had been swept away, and as many privileges and as great advantages could be derived by Roman Catholics as by Protestants, and they ought to look forward to the time when, in the gradual course of events, even the prejudices now existing against Trinity College would die out of men's mind. It was not the business of the University to teach theology at all. If they wanted religion let them go to their respective priests or ministers. He could not conceive that any Catholic youth of intelligent mind could have his religion endangered by entering into contact with students of other denominations engaged in mutual study. It should not be said that because universities did not teach religion they were hostile to it. There were a great number of Roman Catholics at present on the books of Trinity College, and they were increasing in number; and he thought the Catholics who went to the College were as well fitted for the battle of life as if they were educated exclusively in one of their own colleges. He had no doubt that the prejudice which did exist would vanish away. He spoke as a member of Trinity College and as a member of the Irish Church, when he said that there was no desire to deprive the Roman Catholics of the

privileges employed by others, but what he did say was that it was not the duty of the State to maintain a university specially set apart for Catholics when there was one already of which they could avail themselves, without sacrificing a single principle. He had as much sympathy with Catholics as those who professed his own religion, but he did think it was injuring a university in introducing principles which were foreign to it. Some of his dearest friends were Roman Catholics, and he believed they were as well fitted for the duties of life as any, and perhaps better, because they benefited by those from whom they differed; their minds were enlarged by intercourse and by the social and other beneficial influences of a great university.

The Rev. Dr. MOLLOY (Catholic University, Dublin) said he had no fault to find with the tone of the last speaker's observations in reference to the very delicate and difficult phase of the question upon which they had entered, although he thought he had fallen into error on some points. He claimed for the Catholics of Ireland the right to judge for themselves what their conscientious convictions were, and to have those convictions respected. He would suggest to Mr. Joynt that the Legislature had recognised this right, and the Act passed two years ago was a public admission of it. There were two very important principles recognised—first, that the Catholics of Ireland had a just right to a share in public endowments for university education; and secondly, that they had a right to their conscientious convictions, even though those convictions might appear unreasonable to a large body of their fellow-countrymen. The Papers which had been read that day opened up the whole question of university education in Ireland. It was impossible to consider this question apart from its religious aspect; he would deal with it in the few remarks he had to make from a Catholic point of view. He must honestly say at the outset that he was not at all satisfied with the Act of Parliament by which the Royal University had been established; and principally upon the grounds put forward by Mr. Mahaffy. His idea of a university was a body of illustrious scholars, round whom were gathered together the youth of the country who came from far and near to learn knowledge and wisdom from the mouth of the living teacher. That which was the primary conception of a university was wanting in the recently established Royal University of Ireland. In saying this he represented, he thought, not only the opinion of the Catholic body, but the opinion of the University of Dublin, and of the Queen's University. He was convinced, too, that the leading members of the Government who passed this Act, and the leading members of the Opposition that gave it their assent, looked on a mere examining Board as a very poor substitute for a university. If this were so, it was natural to ask why did not they obtain a university such as they wanted, and such as all would approve? That brought him to the very verge of the political aspect of the question. But without trenching on politics, he thought he might say they had not got it on account of the political difficulties which stood in the way. He should be sorry to accept the view put forward by the Lord Mayor elect, that it was owing to 'blind and wanton resistance to the national will.' He would much

rather believe that the able and learned men who carried the Act through Parliament would more willingly have brought into existence a university conformable to their own conceptions of what a university should be. That they did not do so was due simply to a want of moral courage to face the difficulty. The new university was only a political makeshift, intended to postpone to a more convenient time the question which they were afraid to deal with now in a thorough and statesmanlike manner. It might be asked why the Catholics had accepted the Royal University if it was so unsatisfactory, and why in particular he (Dr. Molloy), who stood up there to argue against it, had accepted a place on the Senate, and was taking an active part in its administration. He would answer at once that he did so because the new university, bad as it was, was a great deal better than nothing. The door which had long been practically closed to Catholics was partly opened to them under this Act. There was no prospect of anything better in the immediate future, and they accepted what they believed to be a very imperfect measure rather than remain for an indefinite period shut out from all share in university education.

Professor RICHEY, Q.C., LL.D. (Trinity College, Dublin), said the question as discussed up to the present appeared to him rather unfortunately to have drifted into a political question. He considered in a society such as theirs, which met to discuss general, and not political, matters, this should not have occurred. What they should discuss was rather what a university should be, than the question what form of teaching would sooner or later be established in Ireland. He confessed that they wasted much valuable time in restricting the question to Ireland, because what would be done in Ireland had very little connection with the merits of the system; it would depend upon political influences pressing a Ministry at some decisive moment or in the crisis of a defeat. He would, however, offer a few general observations, which were applicable to every university, and in doing so he would neither follow the arguments of Mr. Joynt nor Mr. Abraham. He might, however, say that the diversity of opinion he had heard that day, and the zeal with which that opinion was asserted and maintained, and the extremely contradictory nature of the speeches, reminded him of a passage which declared that the vital existence, the health and the future development of every free and constitutional country, depended upon perpetual change, continued reform, and unceasing contradiction. He confessed that in the matter of university education he was an absolute secularist. One phase of universities had been altogether ignored by the preceding speakers—that was a class of universities which taught, but had no examinations. They had the university which taught and examined, they had the university which did nothing but examine, and they had, under the head of teaching and non-examining, got the whole great system of German universities. What were the benefits derived from university education? They were not confined to the answering of a certain number of questions printed on paper. A man educated in a university acquired a great deal more than dry facts. The man was improved by contact with men older and wiser than himself. His mind was polished and refined by the

example of his teacher, and he learned in the conflict of opinion and argument with his fellow-pupils, while the social influences brought to bear were simply incalculable. Let them contrast the young man educated in a university with the young man brought up in his father's house in a remote village in the backward part of the country. He was fostered in the prejudices of a second-class clique, and taught to believe himself a genius. If he came up to Dublin and passed an examination, the opinions formed with regard to his superior wisdom and wonderful learning were simply confirmed and stereotyped for life. If he were beaten in his examination every one thought the whole system under which he had been examined was unfair and unjust. The two systems of teaching and examining universities might be said to be represented in Europe by the French and German. In France there was more examining than teaching. And what was the result? Why, education was diminishing in quality, whereas in Germany, where the system was different, where each person passed a preliminary examination before obtaining admission into a university at all, but not a university examination, education was every year rising more and more in tone and character. He would now direct their attention to the question of denominational and undenominational universities. What was the meaning of religious scruples in this question? First, there was an objection on the part of some people that their young men would have their morals spoilt and their faith ruined if between the ages of sixteen to twenty-two they mingled with young men of an opposite form of belief. Well, now, he would simply appeal to the gentleman who had spoken before him (Mr. Abraham), who was an admirable example to the negative of this proposition. Mr. Abraham had been a college colleague of his for four years in Trinity College, and he would quote him as an illustration of the fact that neither his faith nor morals were injured by the training there. If people were so sensitive on such points it was impossible that they could be legislated for. What the other party simply wanted was that the secular education they received should be permeated throughout with the dogmas both of their particular Church and creed. In other words, the governors of denominational educational establishments must be, not the test teachers in education, but men of a particular religion. Men so put in power because they belonged to a particular religion, would naturally conceive that religion was of more importance than anything else, and consequently they would pay greater attention to it. Now, he should be sorry to send a son of his to a school governed by a bishop of his own church, because he thought as such he would be perfectly incapable of providing education. His idea of a university was a great teaching institution like the institutions of the middle ages, where students were not taught by cramming for examinations, but where it was held out that the object of learning was, for its own sake, that every one was left to his inclination for teaching and learning with the interference of no third party whatsoever.

The Rev. Dr. Haughton (Trinity College, Dublin) said the speech to which they had just listened had demonstrated what was known as

Haughton's theorem—that the most bigoted and most sectarian of all sects were the secularists themselves. Did they suppose he wished his children, and those in whom he was interested, brought up to a negative creed, an absence of all knowledge? Never. A few weeks ago a servant of a friend of his said, 'Sir, I want to ask you a question, but I will ask you because I believe you are a good man. Would I be doing wrong if I taught my master's children the Lord's Prayer?' He replied that she would do right. He would not discuss the fate of Lord Belmore's Divinity School Bill, and the attempt to drive theology out of Trinity College, but he was proud to say that there was an overwhelming opinion in favour of religious denominational education. Mr. Richey had said that colleges should not be under the control of bishops or ecclesiastics, and he had referred to the universities of Oxford, Cambridge, and Dublin. Who had brought theology into prominence as a study, and had raised the teaching of physiology in Dublin University to a higher position than it occupied in the three kingdoms, but the Clerical Board? He really thought that this question of denominational and undenominational education was such a very hot question that he would content himself with contributing the quota that he had already given the question.

Mr. Albert W. Quill (Dublin) thought such a Society as theirs should discuss scientific questions, and not enter into the arena of politics; moreover, that in discussing any question they should do so calmly and properly. As to the point of lecturing and educational boards, the author of one of the Papers to which they had listened had spoken of them as mere cramming institutions. He (Mr. Quill) thought a good lecturer was a *rara avis*. Lectures were only calculated to develop originality when succeeded by an examination, which, to pass satisfactorily, a student had to prepare himself for. His experience of lectures was that about two students followed a lecturer, whilst the other members of the class paid no attention to him at all. Regarding the French and German systems, he thought those of England immeasurably superior. In France he found the educational standard exceedingly low; there was no such thing as a higher knowledge of the classics, but in mathematics they held a high position.

Professor Kavanagh (Catholic University, Dublin) said he had heard with deep interest the important Papers read that morning, and he was extremely glad that towards the latter part of the discussion—the really warm part—that the real question had at last come out, viz. mixed or denominational teaching. It was not his intention to argue the matter at any great length, if at all, because he felt sure there were others who were ready to contribute to the Section far more valuable information than he could lay before them. The question raised there by Mr. Joynt, Mr. Richey, and others, as to the grievances of Catholics, were put in such a way as to lead one to believe that the grievances were only felt by a few, whereas he could prove on the highest official testimony that the injustice was felt by a large number. He ventured to say that in no country in Europe, in no country of equal population, was there less united education than in Ireland, and he boldly challenged this assertion. Started as a mixed system it had now become denomina-

tional. They had had, and not without reason, this question presented piecemeal. A committee had been called together, and they had primary education, and then intermediate education. Both were discussed, and intermediate education was stated to be part of university education, and the schools were taken over by the Government as denominational. There were a million children in the National schools, and 95 per cent. of the Catholics of Ireland never saw the face of a Protestant teacher. Primary education was denominational, intermediate education was denominational. Were Catholics suddenly to turn and express an earnest desire to be taught by Protestants? He thought not, and it was upon this score that their grievance hinged. Those who had essayed to debate this question that day had never told them of the sad history of the last 300 years. Let the Protestants keep their endowments if they liked, they got them from the Catholics in the first instance. But the English people were becoming more generous towards them, and despite of this they were determined to abide by their desire to have Catholic education for Catholics, one of the poorest set of people throughout the world who had gone through various vicissitudes. Despite this, however, they had raised out of their own products 6,600*l.* to maintain a struggling university.

Professor Hennessy, F.R.S. (Royal College of Science, Dublin), was delighted to find that the teaching principle had been recognised, and the examining system condemned. He felt sure that during the past session of Parliament this educational grievance would have received attention had not the Land Question occupied so much time, and whenever it was brought forward he was sure the people of Ireland would not be slow to condemn a system which had proved a failure elsewhere. Touching denominational and undenominational education, he maintained that both Protestants and Catholics should be treated precisely alike, both should receive the same advantages. The Catholics had not been fairly treated in Ireland, and he failed to see why they should not be granted a similar university to that of Trinity. He did not know how it was that by the Act of Emancipation of 1829 the Catholics were admitted to the Cabinet of the Sovereign, they were by the same Act deliberately excluded from holding any position in a university. There was a clause setting forth distinctly and emphatically that they should be so excluded. This was the true reason why the Catholics had been discontented with their position. For 300 years the only university college existing in Ireland had been Trinity. It was one which had imparted instruction to a large number of persons who had made their mark in the world, and why should they not try the experiment by giving a similar college to the Roman Catholics, governed in precisely the same manner and leaving the responsibility of its management on those directly engaged in its educational work, as in Trinity College? Let them try this for another 300 years, and if it should not prove equally fruitful as the other, he should say that the Catholics would not deserve that which had been given them. The movement should be properly managed and brought forward, and if this were done he could not see how a British statesman professing equality between English and Irish alike could refuse such a demand.

Mr. J. Howard Pentland (Dublin) thought that the discussion had wasted much valuable time on the side issues of university endowment and local administration. A Paper on university education should deal with university education as well as the best means of promoting it, and there was room, not in Irish universities alone, for vast improvements in the *curricula*. Such an idea as the mutual dependence of knowledge and the possibility of suiting university method thereto, was far from the Conservative minds of Boards. He had hoped to be able to discuss this matter in detail, but the lateness of the hour and the fact that two Papers had still to be read and discussed was a sufficient deterrent from any further observations, especially as Sir Patrick Keenan had expressed a hope that the remaining speakers should exercise as much self-denial as was possible.

Mr. Dawson, M.P., in reply, expressed the pleasure that it had afforded him to find that his courage in dealing with the vexed question of university education had been in some manner rewarded. He confessed that, engaged as he was in business, he had approached the subject with some diffidence, for he knew full well that there were in it issues which would draw forth an animated discussion. Professor Richey and he were at one on many points. The Paper he had not read as a Catholic; he had not read it in the cause of religion, but in the cause of true culture. He denied ever having used, in the course of his Paper, the word 'denominationalism.' Professor Richey had introduced the term, and had spoken of the system. History had been written, physical sciences developed, and the classics preserved under the guidance of the monks. Who invented physical science but Roger Bacon? Did Professor Richey say he had never heard of Father Callum, of Maynooth? He could hear uneducated men make false statements, but he could not listen to, and pass unchallenged, such statements as had been made by some of the speakers who had taken part in the discussion. The undenominational system was barren and unproductive; it would cut out culture in this country. He was much surprised to hear Mr. Joynt, the young and bright spokesman of that academic college, preach the doctrine that, because the Catholic Bishops had favoured the acceptance of certain concessions, all Catholics should accept them without debate. He failed to see why they should not, if they thought proper, pronounce against them. Catholic teaching had never instructed him to refrain from taking part in debatable matters, and, this being the case, he would have his say, and he knew in saying what he had already said he would obtain their indulgence. It had been alleged by Mr. Joynt that he agreed with the decision of the Bishops. He distinctly disagreed with them; he deplored the step they had taken; he wished they had never accepted the university. Mr. Joynt had certainly misunderstood him. But he said this: that having accepted it, they must make the best of the position, and try and mitigate the evils which did exist.

Professor Monck, in reply, said that he had never maintained that an examining university was better than a teaching university, or even that it was quite so good. His contention was merely that the difference between their functions was very small, and that

with improved text-books it could be further diminished. He undoubtedly had occasion in his lectures to correct the errors of some of the college text-books, including one by the distinguished Professor who had advocated the claims of teaching universities. But text-books differed from each other as much as lectures did, and he knew of some text-books which were as clear and as lucid as any lecture he had ever listened to. And a good examining university would soon lead to the production of good text-books where they were at present wanting. Perhaps, too, if he had the pleasure of hearing the lectures which were delivered in that university on the subjects with which he was best acquainted, he would desire to correct the lecturers as frequently as he sought to correct the text-books. In the subject of his own chair he had learned more from the examination papers of a distinguished Fellow now in retirement, than from any lectures he ever heard. In comparing the tutorial and professorial systems he had not denied that pains were taken to select from among the Tutor-Fellows the men most competent to deal with each particular subject. What he said was that when the choice was limited to the Tutor-Fellows the university was not likely to procure the best teachers in those departments of knowledge which were not included in the course for the fellowship examination. His views on the religious question had been so ably advocated by other speakers that he thought it unnecessary to add anything on that subject. His application of Bacon's remark was not to text-books but to good examination Papers. Having been for many years a private teacher or 'grinder' in the University, he trusted he might be excused for making one more remark in answer to a previous speaker. It was not the worst but the best men in each class who applied to the grinders to supplement the instruction which they had received at the lectures of which such flourishing accounts had been given by the advocates of the present system.

The Rev. Dr. McDevitt, in thanking the audience for the patient hearing they had given him, expressed a hope that the day was not far distant when university education in Ireland would be placed by the Legislature on a much more satisfactory basis than it was at present.

On the Inspection of Schools. By M. FitzGerald, A.B., T.C.D., Head Inspector of National Schools in Ireland.

THE subject which I have undertaken to bring before you, on the present occasion, is one of which but little is known outside the circle of those actually engaged in the work of education; and, however important and interesting to them, it can scarcely be expected to present any great attraction to the general public. In dealing with the question of school inspection, I shall endeavour to avoid, as much as possible, its professional and technical aspect, and strive rather to direct

your attention to the nature and importance of the work, and the conditions under which it is performed.

And first, let me remind you that the systematic inspection of schools, by persons specially appointed by Government for the purpose, is an institution of quite modern growth; and, in some important respects, may be said to be yet almost in its infancy. The office of Government School Inspector, in Ireland, dates from a period subsequent to the introduction of our present system of national education, which is not yet quite fifty years old; and, in Great Britain, from a still more recent period. In both countries, the inspection of schools has sprung from the direct interference of Government in the work of education, and had its origin in the commonplace but not unnatural desire, on the part of the State which supplied the funds, to see that it was getting value for its money. For an analogous reason, inspection, properly so called, is confined, with us, to primary schools. It is with these alone that the State has the *primâ facie* right to interfere; for it is to such only that it affords direct pecuniary aid. Besides, if the State did not exercise supervision over primary schools, the teachers would be practically free from control, for the parents of the pupils attending them—the great majority of whom are comparatively uneducated—could not be expected to form any very accurate estimate of the progress made by their children.

I do not forget that primary schools—both here and in Great Britain—are under local management; but, without stopping to inquire how far the local managers could effectively discharge the duty of inspection, it is sufficient to say that, in this country at least, the managers, who are in most cases individuals, and many of whom have several schools under them, could not afford the time requisite for the discharge of this duty.

We may conclude, therefore, that primary schools, aided directly by the State, must be subject to regular official inspection, if they are to fulfil the object for which they have been established.

It is necessary to bear in mind that, when inspection of schools was first introduced, the science of popular education was in its infancy. Those to whom the State delegated the duty of superintending national education, though all men of eminent ability, and many of them filling important positions, had no practical experience of primary schools. Even the earlier inspectors brought to the discharge of their duty no *à priori* knowledge of the subject, and had no accumulated stock of experience to fall back upon. Hence inspection was

at first rather tentative and experimental than confident and authoritative; and we find the inspectors devoting much of their attention to the antecedent problem of what should form the subjects of primary instruction, and how they should be taught. In the reports of that period will be found, under the form of opinion and suggestion, most of those fundamental truths which have since crystallised into axioms, and are now accepted as the recognised basis on which the science of elementary school teaching rests. There is no more useful study for a young inspector, or for any one wishing to understand the difficulties which beset popular education, than the reports of those pioneers of the system, many of whom have since attained to high eminence, and adorn the positions which they still happily hold.

The duty of an inspector consists of three distinct parts: first, the inspection of the school; second, the examination of the pupils; and third, the preparation of reports on the schools he visits.

The inspection of the school includes the critical examination of the school house and premises; whether the site is well chosen with a view to perfect drainage, and conveniently situated with reference to the pupils who are likely to attend; whether the buildings are well planned and suitable, sufficiently lighted, ventilated, and warmed, and in good repair; whether there is a suitable playground, and a shed for recreation in wet weather; whether the furniture is sufficient in quantity, of approved construction, and arranged in the best manner; whether the maps and diagrams are judiciously selected, and conveniently placed on the walls; whether there is an adequate supply of black boards for gallery and class teaching—in short, whether the school buildings, furniture, and apparatus are designed and arranged upon the most approved principles.

Having satisfied himself on these points, or noted for future comment such defects as exist, the inspector must next observe the working of the school. To the practised eye, a very short period of observation will reveal its general tone and character, and enable him to form a pretty accurate opinion of its educational value. But this cursory and apparently superficial observation, though permissible occasionally in the case of an experienced inspector, when time will not admit of more, would soon cease to be of any value if systematically adopted; and no one knows this better than the inspector himself, who regards it merely as an index or clue to guide him in his subsequent proceedings. Having, for a short time, observed the general working of the school, the arrangement of the classes, the move-

ments of the pupils from desks to floor, and *vice versâ*, and generally the order and discipline maintained, the inspector proceeds to satisfy himself as to the ability and skill of the teachers. He may do this by requiring each in turn, if there be more than one, to teach a set lesson on some given subject—or he may pass from class to class remaining with each sufficiently long to judge of the character and scope of the instruction, and the power of the teacher to impart it. This last is the more searching method, and brings out into stronger relief the lights and shades—the merits or defects—of the teaching; but it requires to be applied with judgment and caution; and, in the case of the less experienced inspector, may lead to false impressions. The best plan, if time permits, is to adopt both methods, to observe the ordinary teaching of the classes, and, at a different period of the day, to require the teacher to give a set lesson, on a subject selected by himself.

Another branch of an inspector's duty is the scrutiny of the school records, which are necessarily of a detailed and somewhat complicated character. The school account books with us are so arranged as to check one another as much as possible, but the agreement of the totals does not necessarily imply accuracy of details; and the inspector must satisfy himself, by careful and minute examination, that the school accounts, which include the records of attendance, have been correctly and honestly kept. If, as is often the case, the teacher is slovenly and careless, this duty of checking the books is very tedious and troublesome; and if, as sometimes happens, there is reason to suspect dishonesty or falsification, it becomes the most disagreeable duty an inspector has to perform.

My experience of nearly twenty-four years enables me to say that, as a general rule, the school accounts in Ireland are honestly, if not always accurately, kept. The cases of actual falsification that have come under my notice form but a very small percentage of the schools of which I have official knowledge; and knowing, as I do, the great temptation to which many of our teachers are exposed in this matter, when a few strokes of the pen would make a material addition to their scanty incomes, the small number who yield to the temptation affords a strong proof of the integrity of the general body of Irish National Teachers. It is in the power of the inspector to contribute to this happy result, by making his scrutiny of the school accounts as strict as possible. A teacher who may not have sufficient moral energy to resist the temptation, will hesitate before exposing himself to the certain detection which a rigid scrutiny of the books is sure to lead to.

Another duty of an inspector is to see that the rules of the governing body—whether the Committee of Council or the National Board—are carefully observed. These rules are numerous and complicated, and very nice questions often arise as to their construction and application.

It is obvious that every step of this inspection demands the exercise of the most thorough technical knowledge and the keenest professional skill on the part of the inspector. It is not within my present province to recapitulate the details to which his attention should be directed under each head, every one of which would afford material for a separate paper; my object is to present, at a glance, the varied nature of an inspector's work, in that portion of his duty which is popularly supposed to consist in merely looking on at the work of the school.

Having inspected the school, under the different aspects which I have enumerated, the inspector has yet to examine the pupils on the course of instruction prescribed for them. This examination is of the most minute character, and no portion of it can be omitted or slurred over without detriment to the efficiency of the inspection, and possible injustice to the school and the teacher.

As you are doubtless aware, the system of payment by results prevails in this country as well as in Great Britain; and, though so large a portion of the annual grant does not depend on the result of the examination, the course of instruction is more extensive in the Irish schools, and the scope of the examination much wider. When I tell you that there are *nine* classes—or standards—recognised in the Irish National Schools; that grammar and geography are compulsory subjects in all but the three lowest classes; that agriculture is compulsory in all boys' schools, except those in large towns, and needlework in all girls' schools; that book-keeping must, as a general rule, be taught in boys' schools, and may be taught in those for girls; that there are no fewer than twenty extra branches, which may be more or less extensively taught; and that every pupil who has made 100 attendances of four hours each, within the preceding year, must be individually examined, and marked in every subject in which he is presented for examination, you can form some, but still only a faint, idea of the amount of examination work that has to be done.

But this is not all. Under every branch of instruction there are included certain details—technically known as *sub-heads*—on which the inspector must examine the class collectively, so as to be able to report how they have been attended

to. Thus, under the head of reading, while the *pass* mark is given for ability to read, the class must also be examined on the explanation of the subject matter of the lesson, and the repetition of a certain quantity of poetry or prose; and the general proficiency in these subjects ascertained and noted. So also in arithmetic, while the *pass* mark is assigned for ability to work exercises in certain rules, the class must be examined on notation and numeration, tables, and mental arithmetic; and so on in other subjects. Thus, the whole school must be examined, both individually and collectively, in every subject of instruction and every detail of each subject; and the definite judgment of the inspector in each case must be recorded on the marking-paper.

This examination is usually conducted, as far as possible, by means of written exercises; but there is necessarily a large amount—indeed the greater part of the work—which can only be done orally, or *vivâ voce*. The written examination is of course collective, but, no matter how small the class, the same length of time must be allowed for the work. It thus becomes, to a great extent, the measure of the time required for the whole examination; and in order to get the examination completed within the ordinary inspection day of five hours, it is necessary for the inspector to carry on the oral examination of one class, while another, or possibly two others, are at work in the desks. This is a very severe strain upon his powers. Besides carrying on the oral examination, which is quite as much as he should be required to attend to at one time, he must exercise the strictest supervision over the pupils at their written work, to prevent prompting and copying, or the use of other unfair means. If the inspector be a man of large faith in human nature, and a believer in the honour of boys under examination, he may content himself with an occasional glance at the desks to satisfy his conscience; but if he be a man of experience, and tainted with the incredulity born of experience, such superficial superintendence will not content him. I confess I am one of the latter class; I cannot forget my own school and college days, and I believe boys—and girls too—under examination, will prompt and copy if they can.

As this is a subject upon which a great deal of—I won't say nonsense, but—doubtful sense has been written, I shall take leave to fortify my position by an extract from a work on 'School Inspection,' by Mr. Fearon, one of Her Majesty's English Inspectors, a book which should be studied by every school inspector at the outset of his career. Mr. Fearon thus writes (p. 57, 2nd ed., 1876):—

'It is absurd to talk as if copying could be stopped by appeals to the children's honour, or by punishment of those who are detected in the practice. The sense of honour of children in an elementary school cannot be expected to be greater than that of Eton boys, or undergraduates, or candidates for the civil or military services, and for holy orders. The code of honour of the examinee is naturally a different one from that of the examiner; and what examinees at the public schools and universities will freely do, unless prevented, children in elementary schools will do. As for punishment, idle or slow boys will run the risk of it. Detection is not certain, but the trouble of having to apply the mind to a difficult question is most certain. So that *the only real way to stop copying in a school is to make it impossible.*'

Except in very small schools the written work of the pupils cannot be revised during the actual inspection, and the papers must be taken away to be read and marked by the inspector at his house. This is a decided loss to the school, for it is of great importance that the teachers should have an opportunity of seeing how the pupils have done their written work, and of hearing the criticism of the inspector upon it. Besides, pupils invariably, and not always insincerely, give their teachers a good account of the manner in which they have done their papers; and if, as very frequently happens, the inspector does not coincide in their view, suspicion of harsh or unfair marking is apt to arise in the teacher's mind, when he subsequently sees the failures entered on the marking-paper. But, as I have said, time will not allow of the papers being read during the inspection in large schools, and the advantages that would otherwise accrue must be lost.

Having completed his inspection of the school and his examination of the pupils, the inspector must confer with the teacher, or with the managers, if present, on the state of the school, and direct attention to the defects, whether of method or of instruction, he may have observed. He will also, if he be a man who has the courage of his convictions, and who sympathises thoroughly with the teacher in his work, not fail to express his satisfaction with whatever he may have noticed deserving of commendation. Inspectors should remember that it is not their sole, nor even their principal, duty to find fault, and that it is quite as much their province to speak words of approval and encouragement where they are deserved. Such words, judiciously and kindly spoken, exercise a very far-reaching influence over teachers, who too frequently work and look for them in vain. I remember, at an early stage of

my official career, inspecting a small country school, under a female teacher, in which I found everything very satisfactory; school-room remarkably neat and well arranged, girls tidy and clean, discipline well maintained, and classes well taught. I was much pleased, and, before leaving, I thought it right to say publicly to the teacher—who, by-the-bye, was a woman of severe and stern aspect—how much I was gratified with what I had seen. To my utter astonishment she burst into violent tears; and, as soon as she was able to control herself, said: 'Excuse me, sir; I cannot help being affected; I have been nearly twenty years teaching, and that is the first word of praise I ever got, though I always worked hard to deserve it.'

The inspector's work, however, is not over even when he has got the pupils' written exercises marked at home. He has yet his report to write; and the preparation of the report and the documents that must accompany it is a task that commonly occupies a couple of hours, and often more. There is no necessity that I should describe the inspector's report in detail; you will readily understand that, as its object is to convey to the central department such a picture of the school as will enable the executive to form an accurate estimate of its educational worth, this report must be at once comprehensive and detailed, and of a highly technical character. It is written by experts for experts, and would convey but little information, and be but little interesting to the uninitiated; but it is a document of great importance, nevertheless, and must be drawn up with special care, for upon it depends not only the official reputation of the school and its teachers, but, what touches many men more nearly, a considerable portion of the teacher's income is awarded on the state of the school as shown in the report.

I am warned by the clock that the time for which I can be allowed to trespass on your attention is fast drawing to a close. I must, therefore, omit some points on which I had hoped to address you, and endeavour as briefly as possible to place before you a sketch of the arrangements made for the inspection of the schools under the control of the Commissioners of National Education in Ireland.

For the purposes of inspection the entire country is divided into sixty-three school districts, so arranged as to afford, as far as practicable, an equal amount of work in each. Owing to various causes the national schools are unequally distributed, being very numerous in some localities and proportionally few in others. The elements to be considered in forming the districts are the number and size of the schools, and

accordingly, if the schools be numerous or largely attended, the area of the district will be small, while, if the schools be small or few, the district must be large. Over each district an inspector is placed, who has the immediate superintendence of the schools within it, all of which he must examine for results fees at the stated period every year. He is also expected to visit as many schools as possible a second time in the year, and to devote a couple of hours to such an inspection of the school and examination of the pupils as will enable him to report generally on its condition and its progress since his last visit. At this inspection—technically known as a *secondary inspection*—he is not expected to examine all the pupils, or even all the classes, nor is he required to mark the answering of individual pupils, as at the annual results examination; but he is directed to pay special attention to such subjects as he may have found weak at his previous visit, and to those pupils who, not having made the necessary hundred attendances within the results year, were not presented at the annual results examination.

The district inspector is not required to give notice to the manager or teacher of his intention to make a secondary inspection, or of the time he will visit the school for that purpose. Being thus made without notice, there is no opportunity for preparation, and the inspector sees the school in its ordinary working trim, and is thus frequently enabled to form a more accurate opinion as to the manner in which it is conducted than he could do from the more formal results examination, of which the teacher had notice beforehand.

There is yet a third species of inspection, known as *incidental visits.* These are made as often as the inspector thinks necessary, and are specially useful in enabling him to judge of the manner in which the school accounts are kept, and the rules of the board observed. Incidental visits do not usually last beyond fifteen or twenty minutes; no pupils are examined, and the work of the school is scarcely disturbed, unless some serious irregularity demands instant inquiry; but, short and apparently superficial as these visits are, they are of great practical value; and the constant liability of every school to be thus visited acts as a continuous check upon the teachers, and prevents many irregularities. One illustration will suffice—it is the duty of the teacher to have his rolls marked, and the number of pupils present recorded in his daily report book every day before eleven o'clock; and it is the duty of the inspector, if he visits a school incidentally after that hour, to call the rolls himself, and ascertain that the attendances have

been correctly marked. As the schools are usually open till three o'clock in the afternoon, there are four hours during which an inspector may visit after roll-call; and a teacher must be very foolhardy who will designedly make false entries in his rolls or report book, with the contingency before him that at any moment an inspector may walk in whose first act will be to compare the recorded with the actual attendance; not merely by reckoning the number present and comparing it with the total recorded, but by calling the rolls and ascertaining that only the pupils actually present are so marked. Nor is the incidental visit without its value in affording an index to the general character of the work done in the school. If the inspector finds the teachers at their posts; the pupils engaged at their lessons in accordance with the arrangement of the time table; the school-room neat and orderly; the accounts duly posted, and the board's rules observed; above all, if he finds that his entrance causes no flutter of excitement among the pupils, and does not disturb the routine of the business, he may go away pretty well assured that the school is in thorough working order, and that the day of the annual inspection will be a red-letter day in his calendar.

The district inspectors have other duties to discharge besides the actual inspection of schools. They are the agents—and to some extent the representatives—of the commissioners in their districts; and are frequently called upon to hold investigations, and to furnish the central department with information on a variety of topics. They examine specially the monitors employed in the schools under their inspection, and also persons seeking to be admitted to the office of national teacher. They also hold the annual examinations of teachers for classification and promotion, and a certain number of them are associated each year with the head inspectors in the preparation of the questions for these examinations, and the subsequent marking of the papers worked by the candidates. If there be a model school in the district—and there are twenty-six model schools outside the metropolis—the district inspector is *ex officio* the local manager of it, and this involves a good deal of routine work besides inspection. When I add that each district inspector has, on an average, a hundred and twenty schools in his district, which he must examine and report on, as already described; and that he must travel some four thousand miles every year, almost entirely on the ordinary post-car of the country, a vehicle of little ease, and affording no shelter from the weather; it will I think be admitted that he holds one of the most laborious offices under the Crown, and that he dis-

charges his duty under conditions as arduous as are to be found in any department of the public service.

In addition to the district inspectors there are six officers of higher rank, styled 'head inspectors,' whose duty it is to supervise the work of the district inspectors. Each head inspector has charge of a group of ten—and some of eleven—conterminous districts, over which he exercises a general superintendence and control, inspecting and reporting on as many schools in each as he can find time to visit, and noting how the district inspector does his work. One of his most important functions is to secure, as far as possible, uniformity of standard and of judgment among the district inspectors in his circuit in conducting the annual results examinations of the schools. The importance of securing such uniformity will be at once apparent when we reflect that large sums of public money are awarded on the results of these examinations. Inspectors, like other men, are liable to differ in their standards, and in the mode of applying them; and, if they deviate from the golden mean, it is not easy to say which does the greater wrong—the man who, by adopting an unduly high standard and a too rigid severity of examination, deprives the teacher of the fees he has honestly earned; or he whose low standard and lax examination debases the instruction of the pupils. It is the duty of the head inspector, both by precept and example, to try and harmonise, if not to reconcile, these extremes; and to secure that the pupils shall receive the instruction, and the teachers the reward, to which they are respectively entitled.

The head inspectors are further charged with the chief duties in relation to the annual examination of the teachers. They prepare questions on some subjects and revise them in all; they visit the official centres during the progress of the examinations, to see that everything is being properly conducted, and they revise the classification-sheets prepared by the district inspectors. They inspect and report specially on the schools of all teachers seeking promotion to first class, of teachers seeking appointments in model schools, and of teachers nominated by the district inspectors to compete for the Carlisle and Blake premiums, three of which are awarded annually in each head inspector's group, to the best-conducted schools. They superintend the model schools in their circuits, and conduct the annual examination of these important establishments. They hold all the more important investigations, especially such as involve questions affecting the character or conduct of the district inspectors; forming, in fact, the appellate tribunal to which all complaints against district inspectors, deemed

worthy of notice, are referred by the Commissioners for inquiry. Finally, the head inspectors are usually summoned once a year to the Education Office, to confer with the Resident Commissioner and the principal officers of the Board on the state and progress of education throughout the country, and the changes which it may be necessary or desirable to introduce, thus forming the connecting link between the schools and the central department.

There is yet another officer connected with the inspection department, namely, the inspector's assistant. His duty, as the name imports, is to assist the inspectors. He is not permitted to inspect schools by himself, nor does he make any report; he simply assists the inspector in the examination. The inspector's assistants are selected by limited competition from the ranks of the first-class teachers; and, so far as we have had experience in Ireland, they have proved useful public servants. Their number is, however, limited to four, the Government not being willing to sanction a larger number.

Although there are but sixty-three school districts, there are sixty-six district inspectors, of whom three are unattached. These are, of course, the more recently appointed men, who are sent out at first for training with the head inspectors, or the more experienced of the district inspectors, and afterwards employed independently to assist in the heavier districts, or act as substitutes during the illness or temporary absence of the district inspectors. They succeed to the charge of districts as vacancies arise, but not until the head inspectors in whose circuits they have been employed certify that they are qualified to take charge of them.

I should mention that all inspectors are now appointed by competitive examination; and any one who will take the trouble to read the programme will find that the course of study is quite as extensive as that for any other branch of the public service, and much more varied.

If I have succeeded in putting plainly before you the arrangements for the inspection of our Irish National Schools, such of you as remember Mr. Mundella's recent speech, when introducing the Education Estimates for England, cannot fail to be struck with the resemblance which his plan for the future inspection of the English schools bears to that in operation among us. He proposes to divide the country into school districts; to place over each an officer analogous to our head inspector, with a certain number of officers of a lower rank, similar to our district inspectors, under him. The principal, or, as I may call them, the head inspectors, are to meet annu-

ally at Whitehall and to confer on their work, and particularly on the steps necessary to secure uniformity of standard and judgment among the subordinate, or district inspectors. In fact, the only substantial difference between our system of inspection and that which Mr. Mundella proposes to introduce in England is that, under his scheme, the head inspector will have more direct and independent authority and greater responsibility than we have in Ireland.

If time admitted I should like to say something on the qualifications necessary for the office of inspector; on the best mode of selecting candidates; on the mode of training them for the discharge of their duty, and on many points of detail connected with their work; but I fear I have already overpassed the limits of time allowed me, and I am sure I have taxed your patience to the uttermost. I should like, too, to dwell for a brief space on the many advantages resulting from the careful inspection of schools, but I must abstain. I cannot, however, refrain from adding that, if I were compelled to select from among the many benefits which efficient inspection confers that which, to my mind, is the most important, I would without hesitation say that it would be found in the obligation, or rather the necessity, imposed upon the teacher to bestow equal attention upon all his pupils. The characteristic mark of a thoroughly good school is, that all the pupils in attendance are effectively taught, as far as their natural ability will allow. On this point the inspector is inexorable. No amount of excellence displayed by a few pupils of exceptional ability will satisfy him, unless the bulk of the school exhibits sound practical knowledge of the course of instruction. And this is the more important, because it is surprising how much can be done with even the dullest pupil by careful painstaking teaching; not, mind you, by 'hearing lessons,' which is too often thought sufficient, but by teaching in the full sense of the word. Over and over again have I been struck in national schools by the large percentage in every class that displayed creditable proficiency in the prescribed course of instruction; and at such times I have thought how few schools of far greater pretensions there were of which the same could be said. If the masters of middle-class and higher schools were compelled to bestow upon their pupils the same individual attention as is secured by inspection for the pupils of primary schools, thousands of boys and girls who are sent forth annually to fight the battle of life, 'scarce half made up,' would find themselves fully equipped for the conflict; and thousands of parents, who find out only when it is too late that they have wasted their own

money and their children's time, would bless the system which forced the schoolmaster to divide among all his pupils the personal attention which is now too often concentrated upon the clever few.

Progress of National Education in England and Wales.
By Rowland Hamilton.

A BRIEF notice of the efforts in England in the cause of national education may be of some interest to those attending the Congress in the capital of Ireland. It must necessarily be very partial and incomplete, for the subject is a most extensive one, but I shall endeavour to present its leading features in due proportion, though referring specially to that appropriate training of the people at large which has to so great an extent been carried out under State supervision.

Special legislation with the object of securing some sort of teaching for the children of the poorer classes is found early in the century, included in the numerous Acts for the regulation of labour in factories. These, however, were at first little more than a dead letter, though the powers conveyed in them were even wider and more stringent than those of the Acts which are now in effective operation. Still by degrees the good work made steady progress, chiefly through the instrumentality of the British and Foreign School Society, founded in 1808; the National Society in 1811, the Home and Colonial School Society in 1836, and several other associations of later date; but continuously aided also in many places by individual exertions, by means of which new schools were founded in neglected districts, or new vitality given to those already existing under the old parochial system. Nevertheless, purely voluntary action was found wholly inadequate to meet the accumulated evils of long neglect, but from the first the avowed policy of the Government has been to subsidise approved local efforts duly supported by voluntary contributions, though rightly insisting upon such supervision as was deemed necessary to ensure that the public money was faithfully and reasonably expended for the public benefit.

From 1832 to 1838 the Government subvention was limited to an annual vote of 20,000*l.*, granted only in aid of the building, enlargement, or furnishing of schools. In 1839 the vote was raised to 30,000*l.*, and placed under the control of a committee of the Privy Council, which in 1856 was organised as the 'Education Department,' the expenditure to be

administered having by that time increased to about 450,000*l.* 'Building grants' still formed a large portion of the outlay, but aid was also given for the payment of teachers', assistant teachers', and pupil teachers' salaries on a higher scale:—for the building and maintenance of colleges for the training of teachers—for inspection, which was wholly at the expense of the State, and for a capitation grant paid to school managers for children who had attended school 176 times in the course of the year. Some assistance had also been given to night schools and to other miscellaneous objects. The formal inauguration of the Education Department was quickly followed by the appointment in 1858 of the Royal Commission, so well known as the Duke of Newcastle's Commission, 'to consider and report what measures, if any, are required for the extension of sound and cheap elementary instruction to all classes of the people.' Their report, dated March 18, 1861, extends to nearly 550 pages, the larger portion of which refers to the extension and modification of the system for primary instruction, but it treats also of the education of pauper children, and of vagrants and criminals, of naval and military schools, and lastly, of the most important question of charitable endowments. It is supported by the digest of a very large mass of evidence, and by the reports of assistant commissioners, including those (in vol. iv.) of Mr. Matthew Arnold and the Rev. Mark Pattison, on the state of popular education in Continental Europe, and that by Mr. Patrick Cumin on educational charities. Into all these topics it is impossible to enter, but the three years' good work of this Commission should not be suffered to pass into oblivion. The pages of these volumes contain much invaluable information of the educational state of the country, of the success and failure of expedients to remedy crying evils, of exaggerated hopes and fears which have been alike falsified, of partial errors which have paved the way to sound principles of action, and above all and through all of the unfailing beneficence in the long run of all honest and persevering work. We shall learn from them not to think disparagingly of those who led the way in the day of small things, in spite of much discouragement, many doubts, and at the same time with limited resources, and imperfect knowledge of the special work upon which they were entering, though we shall yet find that the *impossibilities* of that day have become easy of accomplishment in the course of twenty years.

One important result of these reports was the issue of the Revised Code, under the vice-presidency of Mr. Robert Lowe, M.P. (now Lord Sherbrooke), in 1862, which has been the

subject of so much bitterly adverse comment. It had been shown that elementary instruction was satisfactorily conveyed only to a small proportion even of those children who attended at State-aided schools. Many managers and teachers were found to urge that a school could be judged of fairly only by reference to its first or highest classes. But these would naturally consist to a great extent of those children who, from natural aptitude or more favourable home influences, were able most readily to receive culture in the scholastic form in which it was offered to them. The majority were left behind, and there could be no doubt that in many cases the irregularity of attendance, which was put forward as a self-evident excuse for all such shortcomings, was largely owing to the fact that they were not taught in a way suitable to their mental condition. The remedy, applied by the code of 1862, was to make a large proportion of the grant-in-aid depend upon a rigid individual examination in reading, writing, and arithmetic. This has been subsequently somewhat modified by the Code of 1872 and 1875. Yet still 'individual examination' remains a most important feature in the tests which govern the payment of grants for all children over the age of seven years. I shall recur to this subject hereafter, but have only now to point out the rigid nature of the conditions under which subventions have been paid to schools in Great Britain. The 'attendance and proficiency of the scholars, the qualifications of the teachers, and the state of the schools,' are all under the supervision of Her Majesty's inspectors, and as a rule no grant has been made of a greater amount than that supplied by voluntary subscriptions, local rates, or other independent sources of revenue, though the stringency of this rule was somewhat relaxed by the Act of 1876.

Under the Code of 1862, the total expenditure steadily increased, and for the year ending March 1871 amounted to 904,000*l.*, of which about 110,000*l.* was for Scotland. Before this time a strong stimulus had been given to the educational movement by the Elementary Education Act of 1870, for England and Wales. The principles and practice of the Education Department, as regards State-aided schools, were not directly affected by this new legislation, though the administration of the new Act was committed to its charge with the obvious intention of facilitating the reception of all schools which should comply with the conditions required into the system already established, and enabling all to share in the advantages offered.

The inspecting and working staff of the department, how-

ever, had to be very materially strengthened, for under its supervision the condition of every rural and urban district throughout the length and breadth of the land was carefully investigated. The inspectors of returns, as the gentlemen charged with this special work were officially called, were in close connection with H.M.'s Inspectors of Schools already established in the district, and able to afford much local information. In rural districts, reports were made for each civil parish, based on returns given by the overseers who are the rating authorities in these numerous and often very small areas —some quite too small to support a separate school—but as far as possible these ancient divisions were maintained. The census taken in 1871 gave trustworthy evidence of the population, and for this number, after deduction of the richer classes (who did not need provision to be made for them in this respect), suitable school buildings were required affording 8 sq. ft. area per child for 20 per cent., viz. for about 85 per cent. of the average number of children of the 'school age' taken at 3 to 13 years. The number thus provided for is even now in excess of the average in attendance, but as the allowance of less than a square yard per child is very scanty, the requirement is not in any way excessive; moreover, some children do and will stay at school over the age of 13 years. Towns were inspected with the same attention to details, though the aggregate school accommodation afforded was naturally treated more fully as a whole. As regards instruction, a much lower range was exacted under the Act than that required from schools receiving a grant in aid. There has been much random talk about the supersession of really good schools by the Education Department, and it may be well to record what was the test actually applied. Children over 10 were examined in the most elementary reading, writing, and arithmetic, such as was ordinarily attained in good schools at 8 years of age. Younger children were subjected to a proportionably easier test, and 50 per cent. of passes saved the schools from rejection on this score. So low a standard (the II. of the Code) could not be accepted permanently as the highest in a public elementary school, as such imperfect knowledge would assuredly pass away very quickly from the minds of the scholars altogether, but methods other than direct supersession were relied upon to raise the scale of instruction to a more adequate level.

Notices based on these reports were issued stating, either that the school accommodation provided was already adequate and suitable; or that due means were followed to make it so, in which case no further proceedings were taken, but the notice

served as a record in the event of failure to complete or to maintain the provision required. In case of deficiency for the supply of which no action was being taken locally, the notice stated the extent and nature of the shortcoming. A right of appeal was of course allowed to any one interested *bonâ fide* in the matter, and neighbouring districts or parishes might voluntarily supply each other's needs, provided that the aggregate afforded was sufficient. But if the supply required were not forthcoming in due time, a peremptory order for the formation of a School Board was issued, and the further compulsory powers of the department under the Act came into operation.

Under such a course of procedure many voluntary schools were founded in districts where it was desired to avoid the formation, and especially the compulsory formation, of a School Board, which is indeed often a cumbrous and expensive way of supplying the wants of a small district. In some cases, however, Boards were voluntarily formed by the hearty co-operation of school managers of different denominations even in small rural parishes, but as a rule the School Board, though the first step towards making adequate provision for primary instruction in towns, has not been required in the country, nor is it or any substitute for it likely to be so until some further organisation of local government is effectually carried out.

Bearing in mind these conditions, we may now glance at the progress made in schools coming under the inspection of Government and receiving an annual grant-in-aid. Starting from the year 1871–72, when the Elementary Education Act may be said to have first come into direct operation, we find—

	Voluntary Schools.	Children.	Board Schools.	Children.	Total.	
					Schools.	Children in average attendance.
1871–72	9,772	1,327,000	82	8,700	9,854	1,336,000
1875–76	12,677	1,657,000	1,596	328,000	14,273	1,985,000
1879–80	14,181	1,982,000	3,433	769,000	17,614	2,751,000

being an increase in attendances of nearly 106 per cent.

The total number on the school registers, however, was 1,969,000 in the first, 2,944,000 in the second, and 3,896,000 in the last year quoted, indicating very imperfect attendance, though an improvement of between 5 to 6 per cent. is shown in this respect.

Taking the number of children over 7 years old actually presented for examination, we have in 1871–72, 662,000; in

1875–76, 1,143,000; in 1879–80, 1,904,000; being an increase of nearly 188 per cent.

It was assumed in 1870 that 6-7ths of the population were of the class which would require education in public elementary schools. The proportion of those who do or ought to come into them is probably somewhat larger; and much as has already been accomplished, our task is not yet fully completed even in this respect.

The figures alone do not show the true measure of the work done. It is not to be assumed that the large increase in numbers represents children who were entirely without school instruction. But on the other hand, the elaborate inspection of all schools indiscriminately in 1871–72, proved that the deficiencies both in respect of buildings and instruction were very great. Here and there most excellent schools were found carried on entirely by voluntary agency with buildings, appliances, and teaching staff on a par with the best inspected schools. In these cases no change was required. But all recognised schools, new and old alike, have had to receive a very large number of children ill taught or not taught at all, and great injustice would be done to the large class of certificated teachers if this broad fact were not kept in mind in estimating the results of their exertions. The proportion of 'passes,' which had decreased very slightly under these hard conditions, is now more than recovered, while in most schools the range of instruction has been advanced without any detriment to the strictly rudimentary work. Another test very widely applicable shows that we have begun to make head through these special difficulties inseparable from so large an extension of our school system. The code for examinations lays down six standards, which in the ordinary course should be passed by children of 7 to 8 up to 12 to 13 years old. In 1871–72, 82 per cent. were presented in the three lower, and only 18 per cent. in the three higher standards. In 1875–76 the proportions were 79½ and 20½ respectively, and the last returns of 1879–80 show a more decided improvement to 75⅓ and 24⅔ per cent. respectively. The returns up to August 31 of the present year (1881) are not yet published, but I believe they will prove yet further the sound progress made in the last year of this eventful decade. Never has a great difficulty been more fairly looked in the face. The starting-point is the census of the whole population, and we shall not rest till all of it has been fairly accounted for.

Other provisions of the Education Acts restrict the employment of children. Various Factory Acts have for a long time

past provided for the attendance of children for 'half-time' at the most suitable schools available. School Boards by the Act of 1870, and school attendance committees by that of 1876 in places where no School Board has been formed, are charged with the duty of making bye-laws for regulating the attendance, and fixing the standard to be passed before children (under 14) are permitted to proceed to labour. And if any local authority fails in this respect, the Education Department may now impose such bye-laws as it may deem fit upon the district. These proceedings have a powerful effect upon schools which must at least work efficiently up to the Third or Fourth Standards now generally required.

I have laid much stress upon the individual examination of children in the '3 R.'s.' The evil which the revised code of 1862 sought to remedy by the stringent application of this irksome and unpopular measure was a very grave one. We now hear complaints of undue weight given to a large average of passes which, it is truly said, do not prove more than a certain amount of knowledge acquired in a way which may have failed to draw forth the intelligence of the pupil. But the same can be said of every test, and old reports reveal complaints of teachers that they were forced to give attention to some favoured subject of a literary or quasi-scientific nature, to meet the known predilections of an inspector, to the prejudice of all sound and consistent training. Bad work is unhappily too common at all times and in all professions, but the '3 R.'s,' however mechanically taught, are some certain gain to the learner in after life, while a mere smattering of 'science' or literature not supported by such knowledge is often a positive evil. Moreover, no valid test can be devised that so little interferes with the discretion which it is so desirable to leave to school managers and teachers, for it can hardly be argued that *any* system which does not result in a competent knowledge of these essential rudiments can possibly be suited for children who have to make their way in the working world.

It must also be noticed that the firm application of this rule of individual examination has contributed much to establish practically one of the most important truths by which our recent experience has been enriched. It was not in the university nor in the high school, but in the public elementary schools and the training colleges specially founded to support them, that we first learnt to know the inestimable value of the true art of teaching. And not even here was it duly recognised until the necessity was forced upon them of carrying down practical instruction to a very large majority—instead of a small minority

—of the children under their care. It is surely no mean task to open these gateways of knowledge to the many, and even if they acquire little else in their short school term, it may be of incalculable value to them in after life, and it is the preparation for this struggle which comes so early on the children of the poor, rather than 'higher subjects,' which make so much more show in a report, that is the true test of the worth of a public elementary school. The technical school, the night school and reading room, the working men's club and institute, are all in the future, and easy of access to those who have overcome thoroughly the first difficulties of the rudiments. It is no doubt quite possible to exaggerate the importance given to such passes, but it is a fault which has still a strong savour of virtue in it. It was no new thing to pick out the best scholars and carry them on to a comparatively high range. It was a new and a better thing to carry on all alike to what may be called a competence of learning, even if the further advance of some was not indeed prevented, but only somewhat delayed. There cannot be a greater error than to suppose that naturally dull children do not require education. It is, in truth, these who have to be saved from falling altogether out of the ranks of self-supporting industry. A man of unusual strength and acuteness, though wholly illiterate, may make his way in the world, yet will his own fortunes be grievously marred by his deficiency. Those who are less vigorous cannot afford to lose the advantage of some early training, which shall bring them better into accord with the ways of the civilised world. Many of these are by no means hopelessly stupid, but only wholly illiterate, wholly severed from any association with book learning, and without any hereditary aptitude for receiving knowledge presented in this form. Here the teacher has first to learn the language and ways of thought which the pupil understands, and carry him on by well-graduated steps from what is *to him* the known to the unknown. All this may not be in the line of classical associations, which it must be remembered assume tacitly conditions of life only possible where slavery is an essential feature of the social organisation. Ours is a wider task, and the foundations of our civilisation must be more broadly based. Moreover, this acquired art or faculty of teaching, especially when it has to be applied to numbers, implies a high moral capacity for enforcing healthful discipline——not that of terror or mere acquiescence, but that of orderly and attentive intelligence.

It is, I repeat, the rough work of the public elementary schools, bravely and honestly grappled with, that first brought

this great truth into prominence. Now it is recognised in higher circles, and was taken up by the University of Cambridge, where a first and most deservedly successful course of lectures, specially on 'the art of teaching, was delivered by a gentleman of long experience of both primary and secondary schools, in the Lent term of 1880.

It is far from my intention in any way to disparage efforts made to carry on the course of teaching in public elementary schools to a higher range, for the advancement of the better scholars is hardly more desirable for themselves than for those whom they leave behind. But the question is how far and in what manner can such a work be promoted by the Government. I most devoutly trust that no central office in Downing Street or elsewhere will ever override the discretion of local managers as to the means to be employed, and commit the country to the petrifying uniformity of an official system. Ardent and impatient theorists are far too prone to desire to strengthen the best, newest, and most approved methods of the day by the support of Government regulations, forgetting that, to parody Macaulay's well-known saying, 'A distant point in the horizon which is our *goal* to-day may be our *gaol* to-morrow.' Let these teachings be pressed with due force upon teachers and managers. Let them be convinced that to aim low is to court and to deserve failure. Let these principles be well known and recognised by the inspectors. But the true function of a Government department is to test and compare results, not to override individual responsibility or supersede the exercise of individual intelligence: still less to permit the growth of *quasi*-vested interests in forms and methods which further experience may render obsolete.

This whole question of governmental inspection is one of much importance. The incidents of it, especially in this country, are in many ways essentially different from that supervision and examination which may be part of the independent organisation of any private association. Where and how are we to draw the line? No one will maintain that 'local authorities' or individuals are to be left at liberty to observe just as much or as little of the law of the land as they may choose, or to draw public money without regard to the conditions upon which it is granted. On the other hand, it is a palpable *sham* and absurdity that a central office should undertake the control of innumerable details with which it cannot possibly be acquainted. The Government interference so often complained of is by no means wholly caused by a spirit of official aggression. It is often almost forced on by that

helpless class of people who never can come to any decision for themselves. State inspection has naturally to do with much that is crude, tentative, and uncertain, and much tact and patience must be exercised to carry it out with good effect. But the absolutely smooth working of an ideally perfect system would never do for poor humanity. Mere reports without criticism are much like evidence without cross-examination. There is no adequate verification of facts without it. The history of the Factory Acts affords some very useful suggestions on this subject. The first inspectors were *ex-officio* justices of the peace, with large powers of making rules and orders in virtue of their own authority. But that was in the days when these Acts were very much a dead letter. When they really got to work all such powers were withdrawn, while those necessary for searching investigation were largely extended. Strictly speaking, an inspector's powers are, legally and formally, to inspect and report. Beyond this it is well that his influence should depend entirely on the personal qualifications which he brings to bear on his duties.

There is no more fertile source of misunderstanding than confused ideas as to the functions of the State inspector and the teacher or manager respectively. That the former should control or instruct the latter in one or two hundred schools and supply radical deficiencies in method or knowledge, is an obvious impossibility. Even the idiosyncrasies of any capable teacher should be carefully respected. He will probably work far better in his own way than in any other. But the inspector has a far wider range of daily experience, to be tested and discussed with the several teachers for the manifold benefit of all, and, if fit for his position, must exercise a most beneficial influence over the whole of the district under his charge. Even as regards the scholars, inspection and examination rationally conducted are a most useful part of instruction. It is a partial introduction to the real work of life where the workers can no longer look for the helpful aid of the teacher, but have to find out for themselves how best to make their knowledge useful to themselves and others. Above all, H.M.'s inspector is the advocate of the poor, and though I believe they exercise far more discrimination than they are often supposed to do, we cannot ignore the fact that many parents are yet ill-qualified to judge of the kind of instruction which should be given to their children. No duty should be held more sacred than that of seeing that even the poorest and weakest receive the full measure of those benefits which the law of the land now happily accords to them.

Enough, I trust, has been said to show that much of the hardest and most trying part of our work has been accomplished. Our foundations have been broadly and soundly laid. Exceptions are still to be found, and, while all are to be led on to higher and more thorough work, some backward districts have here and there to be forced up to the average state of efficiency, for even a single bad school is like a field given over to thistles spreading its evil seeds far and wide. For the most part the work of school-building is completed, though we shall still have to meet the wants of an increasing population. By far the greater part of our children are on the registers of duly tested schools, though irregularity of attendance is still a grievous drawback. The average results of teaching have been materially raised, notwithstanding the difficulty of obtaining so large an increase in the number of qualified teachers, and receiving so large a proportion of children wholly untaught and neglected in the all-important years of early infancy.

The next decade should see great advances made in the organisation of secondary and intermediate schools, partly by the better use of endowments and partly by some judicious extension of the existing system. We have to develop half-time schools and technical schools. Night schools also deserve attention, not to take the place of the day school for younger children, but to carry on those who, having mastered the first dry rudiments—which are in themselves work enough for tender years—may find in them healthful recreation after the hours of bread-winning toil. Many of the clubs and institutes which have languished for want of adequate early training of the class for which they were designed should receive new life. The extension of university influence by local examinations, and the supervision of the 'liberal studies,' which precede them by graduates of high culture and intelligence, claim notice even in so partial a review.

But want of time forbids me to pursue the subject in farther detail. Many of the most effective improvements which we hope for in the future must await the better development of local government. As it is, while local energies are starved for want of fitting work, the central departments are overwhelmed with an intolerable mass of details. Whether the various agencies required 'should be under individual direction or organised in connection with local or imperial government, or under the control of the State altogether, is a question the reply to which should depend entirely on a reasonable estimate formed of the comparative efficiency of

the modes of operation which can be brought to bear by these several means respectively or by any combination of them. Experience will, I believe, show that for most purposes the more the functions of the Government can be limited to those of a supreme court of administrative supervision and appeal, the fuller scope will be given to local and individual energies, which are as yet so partially developed for the public service throughout the country; and these it is especially desirable to call into activity where the success of the work to be done largely depends on individual zeal, capacity, and local knowledge, exercised under a due sense of public responsibility.' I will conclude by urging that though the broad issues of this question may be beyond the usual limits of scholastic enquiries, they are well worthy of the most careful attention of all who are concerned in the great cause of national education.

MISCELLANEOUS.

A Paper with the title 'How Arithmetic may be Simplified' was contributed by Professor O'SULLIVAN. He began by oberving that, after more than a quarter of a century's educational experience in one capacity or another—as Inspector of National Schools, as Superintendent of the Central Model Schools, as Professor, and as Examiner in Arithmetic to the Intermediate Education Board, he felt warranted in saying that a great deal of valuable time—fully one-third of the whole of the time available for arithmetic—is frittered away by students in the endeavour to master the details of our present system of weights and measures, and to wade through reduction and the compound rules; that, partly no doubt because of this waste of time, comparatively little attention is given to the *rationale* of arithmetic; that, accordingly, the study of arithmetic may be said to be 'a pursuit of knowledge under difficulties,' and that most, if not all, of those difficulties could be removed by the adoption of a scheme such as he was about to propose. After giving a few illustrations of the want of accuracy and want of thought displayed by too many writers of books on arithmetic, the Professor quoted statistics, from the results of last year's Intermediate Examination, in support of his assertion that 'comparatively little attention is given to the *rationale* of arithmetic.' He next proceeded to point out that a more 'cumbrous, complicated, and perplexing' system of weights

and measures than ours it would be impossible for human ingenuity to devise. Passing to the metric system, he explained that its great superiority over every other system is this: there are no compound numbers, and therefore no compound rules. The use of the metric system was rendered 'permissive' (but not made obligatory) throughout the British Empire by an Act of Parliament passed in 1864; but the Act has borne no fruit during the seventeen years which have since elapsed. Professor O'Sullivan would have a new Act of Parliament passed, establishing a decimal system of money, and making the adoption of the system, as well as of the metric system, compulsory after five years.

A Paper, 'On the Teaching of the English Language in Elementary Schools,' was read by Mr. P. W. JOYCE, LL.D., Professor, Training Department, Dublin, in which he proceeded to say: The literary subjects taught to pupils of primary schools should be those likely to be most useful in after life. Applying this to English, we should endeavour to give our children as great a command of the English language as is possible with the means at our disposal. Diverting his attention to grammar and composition, Dr. Joyce stated his contention to be that we introduce grammar at a period in the child's school course far too early, and postpone English composition to a period far too late; and that our manner of teaching English grammar is cumbersome and ineffective. In both England and Ireland grammar begins when the children are just feeling their way to the simplest elements of reading and arithmetic—and composition when they have mastered both; they have been learning grammar three or four years before they are put to composition. This order, in fact, ought to be reversed; for the grammar the young children learn is never turned to account in the teaching of composition, and is in fact quite useless, and as composition is put off to the highest classes, thousands of children leave school without ever being taught how to write a common letter. As to the teaching of grammar by means of parsing, it is troublesome and profitless. Parsing ought to be abolished, and something like what is called grammatical analysis substituted. Composition should be introduced very early—as soon as the children can write legibly. No grammar or any technical rules are required for this. Composition does not mean here themes or abstract essays, but writing out simple stories from memory, or writing letters on the ordinary subjects of every-day life. While the children are sure to forget

very soon all their technical grammar, they will use and retain the power of writing—a power valuable and precious to every member of a civilised society.

A Paper was contributed on 'Education as a Preparation for Emigration,' by Miss CUSACK (the Nun of Kenmare).

The subject of preparation for emigration has met with too little attention, notwithstanding its great political importance.

A very large correspondence, extending over many years, and with many countries, has convinced me that the most serious and lamentable consequences have resulted from the neglect of economic subjects in the education of our people.

Education, to be of use to the class for whom it is intended, should be conducted with a special reference to the future life and needs of those who are under instruction.

We cannot alter the general conditions of human life; some men and women are born to rove and live, others are born to rest, and if they will to study. We put the harmony of nature out of tune when we play discord. Let education be suited to the life key-note of the individual to be educated, and then we shall have knowledge of the right kind in the right place.

But it may be objected that children cannot be educated completely, or even partially, for emigration. This is quite true. But what I would venture to propose would be equally advantageous to those who emigrate and to those who do not. It would be to provide a special course of study which should bear on the general employments of the people, which should give them general information on practical agriculture, and on the commercial relations of different countries. No doubt some attempt has been made in this direction by the National Board, but much more remains to be done. To teach our people that manual labour is honourable, and to teach them how to make manual labour profitable, whether in the field or the shop, would be a task not difficult to accomplish, and worthy of all effort. To give our people a general knowledge of the agricultural and commercial conditions of lands where emigrants are most needed and will be most welcomed, should be an important element in their course of study. So that we may no longer find that kind of haphazard emigration which is indicated when you ask a boy or girl why they are leaving their native land, and get the reply 'to better myself,' when the speaker has not the least idea of how the bettering is to be accomplished.

I do not touch here on the all-important point of protection for girls going alone to a distant land. During the last twenty-

eight years, 2,637,000 of our people have left Ireland for other shores. How many of these men and women, boys and girls, have sat down by the wayside in despair, or sunk down into the slums of great cities, living a miserable existence, can only be known to those who have taken a practical interest in emigrants, or have exceptional means of ascertaining their state in their new homes. How much of this evil might have been averted if these emigrants had had the benefit of advice and a guiding hand—if each had gone with a special object to a special place, instead of going in a happy-go-lucky fashion, too often a most unhappy one.

I believe the one great protection would be to have three or four establishments founded, one in each of the provinces, where girls could be received for even a week, or, if posible, for several weeks before they emigrate, where they would get practical advice as to their future life, where their future destination would be known, and it would be seen that they were received at the other side safely. With a good method on the part of the teacher, and a good will on the part of the taught, much could he learned in a very short time, and a general idea of housework could be given to those fitted for servants. Then in cases where it was impossible, or undesirable, for girls to remain even for a few days, the names and addresses of intending emigrants could be given and particulars forwarded to respectable persons on the other side, to whom these girls would look for protection or advice.

I have long desired to found such an institution. I have only been hindered by the want of that which is called the root of all evil, and yet which is nevertheless one of the most necessary elements in every good work.

A Paper was read by Mr. J. J. Doherty, LL.D., Training Department, Education Office, Dublin, on 'A Plea for the more Extended Study of Physical Science in Primary and Intermediate Schools.' The teaching of the three R's cannot be regarded as education. They are means for acquiring an education. Up till recently mathematics and classics formed almost the whole of the school curriculum. But many students were unable to derive much benefit from the study of them. For nearly all students the physical sciences possess a great attraction. The study of these, to be of any use, should, however, be practical and systematic. Special laboratories and expensive apparatus are not absolutely necessary for elementary work. The study of the physical sciences possesses a high educational value, and it fits the student in a marked degree for the business of after

life. These sciences have special claims to be included in the curriculum of State-aided schools. Any expenditure by the State for the advancement of science may be regarded as a profitable investment.

The study tends to make the pupil conscious of how little he knows, instead of making him vain of his learning. But, however small his knowledge, it is useful and will constantly increase.

A Paper on 'The Way in which the Working of the Intermediate Education Act may be extended and improved' was read by the Rev. JOHN WALTON MURRAY, LL.D., Rector of Ballymena, Precentor of Connor, and Chaplain to Right Honourable the Lord Mayor of Dublin.

Having alluded to some statistics in the last Report of the Commissioners, and the possible financial crisis, with its results, the writer principally draws attention to a possible improvement in the working of the system, so far as it applies to the junior grade and the classical course prescribed for that grade, dwelling a little on the importance of a classical education. He points out the great importance of the training given in this grade.

1. Because it is the groundwork for all future training.

2. Because the period over which the training may be extended is for the junior grade necessarily much longer (for many pupils) than the period of the middle or senior grades.

He pleads for greater elasticity in the course, in order to avoid the opposite evils of retarding or cramming.

He suggests a wider choice of authors for this first grade, so that the forward and capable pupil may be well grounded, and at the same time may not be kept back by having to jog along at exactly the same pace with others who are not so forward or capable.

The subject worked out in the Paper was suggested to the writer by some teachers of experience (notably the Rev. Robert King, master of the Armagh Diocesan School), who see the difficulty of the present system.

A Paper was read by CHARLES H. KEENE, M.A., on the question 'Should Classics be Relegated to the "leisure part of Education"?' Mr. Herbert Spencer's proposal that classics should be relegated to the leisure part of education suggests two considerations—namely, whether the objections commonly urged against classics do not equally apply to other branches of learning, and whether this study does not itself possess much intrinsic utility. The objections most usually urged are, that

the knowledge of classics acquired at school and college soon passes from the memory and leaves little trace behind, that its acquisition calls for an undue sacrifice of time, that the subject is an exhausted one from which long since has been drawn all the benefit that can be looked for, and that the place of Latin and Greek may be fully supplied by modern languages. But it is not the peculiar property of classics to pass from the memory. Every branch of learning is liable to the same unfortunate fatality, and the value of an educational system is to be judged not principally by the number of isolated facts retained in the memory, but by the general culture and improvement of the mental powers which may result. Whether it requires a longer time to acquire a knowledge of classics or of other subjects depends on the natural gifts of the individual student, but it may be observed that the facilities for learning Latin and Greek are now much greater than formerly, owing to improved editions and books of reference.

Nor is it science alone which is advancing. The study of classics is also progressive. The booksellers' lists will enable all to judge whether Latin and Greek no longer furnish suggestive themes, and it may be added that philology, which is yet in its youth, is daily opening new and important fields.

Nor can modern languages with their loose and inorganic constructions ever, as a means of mental culture, supply the place of Latin and Greek, which, by expressing human thoughts, feelings, and sympathies in language of the most subtle structure, and that calls for the most vigorous exercise of the reasoning powers, combine in a large degree the advantages both of a literary and of a scientific education.

The last objection I shall refer to brings us to the question of the intrinsic value of a classical education.

It is science, not classics, that claims the discovery of the powers of electricity and the invention of the steam engine. But is she therefore the best instructress for all? The number of inventors and discoverers is and must be small, but large is the number of those who in their daily course of life feel the want of culture, of knowledge of human nature and feelings, of grace and facility of expression; and in the study of the classics all these are to be most readily obtained.

Classics, therefore, contribute no less than science to the requirements of life, and we must hope that neither the one nor the other will be banished from our schools and colleges.

A Paper was contributed by Miss CORLETT entitled 'Twenty Years' History of the Queen's Institute for the Technical Instruction, and Queen's College for the Education of

Women.'[1] This well-known institution was founded at the Dublin Congress, in 1861, of the National Association for the Promotion of Social Science, at a meeting called at the Solicitors' Room, Four Courts, August 19. The meeting was called by the honorary secretary of the Ladies' Reception Committee, Mrs. W. N. Hancock. The resolution pledging the meeting to found the association was drawn up by Miss A. Barbara Corlett, the founder of the Queen's Institute.

The aim of this society then formed was to provide for gentlewomen instruction in technical arts, and to provide them with professional training. The scope of the institution is very wide, having schools of instruction in art, science, and industries, such as porcelain decoration, in the Civil Service, Telegraph, General Post Office Department, in music, in collegiate classes, and in higher education for university degrees, and preparing for degrees in faculties.

In nineteen years, ending December 1880, 6,200 individual students have proceeded from its classes, about half this number being professional pupils. The institution has also instructed a great number of amateur students.

The last Paper was read by Professor BOULGER on 'The Schools of the Christian Brothers.' The Society of the Christian Brothers is noticeable for the zeal and success with which it has undertaken the work of primary education in Ireland, and also for the fact that it has recently included subjects of secondary education in its programme, and in this respect resembles somewhat the Scotch parochial school. It has been at work since the year 1802, and gives instruction to about 30,000 male children of the poor at a nominal charge of one penny per week. As the Brothers have worked upon much the same lines as the National Board, as far as primary education is concerned, something may be learned from their independent experience. Their great success is not to be attributed exclusively to the religious element in their teaching, but rather to the personal superiority of the teaching staff as compared with the ill-paid officials of the national system. The general intelligence of the pupil in the schools of the society is excited more effectively than is the case in the national schools, and what is learned is learned less mechanically. They also impart a certain amount of culture not obtainable in the national school, and under the influence of the Intermediate Examination they have largely extended their original pro-

[1] This Paper has been published in the *Journal of the Women's Education Union* for November 1881.

gramme, and give to the children of the poor a chance of rising to the professions. As the teachers of national schools receive no result fees for the success of their pupils at Intermediate Examinations, the schools of the Christian Brothers will, at least in populous districts, draw off most of the children from the national schools, and, in order to maintain the importance of the State schools, some modification should be made in the existing system.

HEALTH.

ADMINISTRATION OF HOSPITALS.

Is it desirable that Hospitals should be placed under State Supervision? By HENRY C. BURDETT, F.S.S.

IN considering the question of the relations which ought to exist between Hospitals and the State, it might at first sight appear reasonable to commence the subject by giving briefly some particulars as to the administration of continental hospitals. It is true, indeed, that nearly everywhere except in England and America, the hospitals are subsidised in some way, or controlled by the State. A careful examination has, however, convinced the writer that the mode of administering foreign hospitals, and the circumstances surrounding them, so differ from those to which we are accustomed in this country that for the purposes of the present discussion it is undesirable to complicate the question by the introduction of material which would have practically little bearing upon the points at issue. For these reasons the writer has determined not to refer in detail to the continental systems of hospital management. His present endeavour will be to arouse attention to those aspects of the hospital question which seem to bear upon the relations which the State should hold to hospitals in the United Kingdom.

A review of the discussions and circumstances relating to the management of hospitals and kindred institutions in this country, during the past five years, would lead to the conclusion that hospital managers are becoming alive to the fact that the system heretofore in force cannot much longer continue unaltered and unreformed. In the period under consideration, no less than four influential deputations have sought interviews with the Secretary of State for the Home Department for the time being, with the object of obtaining

a Royal Commission of investigation into the subject. These deputations have represented all hospital interests. The first consisted of representatives of the treasurers, managing bodies, and governors of the leading metropolitan hospitals. The second represented the same interests, and included in addition many governors, medical men, and philanthropists, who have displayed commendable zeal in the cause of hospital reform. The third deputation attended before Sir William Harcourt early in the present year, as the representatives of the patients treated at the hospitals, and of those ratepayers and public bodies which are more immediately interested in the welfare and efficient management of the endowed hospitals. Lastly, the medical profession, represented by the members of the Metropolitan Counties Branch of the British Medical Association, and acting on the report of a committee specially appointed to collect evidence bearing upon the management of the hospitals throughout the country, agreed, in June last, to memorialise the Home Secretary to appoint a Royal Commission, to ascertain fully the needs of the suffering poor throughout the country, and the means at present available for their relief. This Commission was asked for especially with the view of obtaining reliable data upon which to base the needful reforms, and to secure that the present system of medical education and relief shall cease to be inadequate and unsatisfactory, as it undoubtedly and undeniably is at the present time. The treasurers, the committees, the governors, the ratepayers and public bodies interested, the patients, and last but by no means least—probably it would be literally true to say most important of all—the medical profession, having all asked definitely for State interference to the extent of a Government enquiry, it cannot but be profitable for the members of this Congress to consider the question once more in all its bearings, with the view of putting in motion the powerful organisation which the Social Science Association has at its command. There can be small doubt that the appointment of a Royal Commission would secure the adoption of adequate measures based upon the reliable data which would then be forthcoming.

It has been shown that every class interested in the hospitals has separately or collectively arrived at the same conclusion, and sought the same remedy. No one who knows anything of hospital management will question that this singular and surprising unanimity is the surest possible proof that the whole subject of medical relief in this country imperatively demands careful examination by a competent commission, with

the view of securing the needful redistribution and reform. It will be desirable, however, for the information of the Congress, to examine into the circumstances, as they are known to exist, which have produced so active and unanimous a desire for enquiry. For the sake of brevity, as space and time are matters of moment, the subject has been divided into seven propositions embracing the whole question. These will now in turn be briefly considered.

I. The present system of hospital administration is attended with many anomalies which call for public enquiry. In the Metropolis especially, the hospital accommodation is imperfectly distributed, and in many districts is altogether inadequate.

The administration of the hospitals as at present conducted is so uncertain and unsatisfactory that enquiry is needed to secure amelioration in the interests of the poor. To facilitate a right judgment, and to furnish reliable data, the writer of this paper has prepared a set of statistical tables based upon the published reports and statements of the various Institutions.[1] The calculations are all made upon an identical basis, have been carefully checked by an accountant, and may, therefore, be regarded as a reliable statement of the present cost of the various systems of administering the medical institutions of this country. The tables show that the cost of administering, *i.e.* the cost of management, in sixty-one general hospitals varies from 2½ per cent. at Cork, to 27½ per cent. at the Metropolitan Free Hospital; the cost per patient per week from nine shillings and fourpence at the Cork County Hospital, to two pounds five shillings and twopence at the Metropolitan Free Hospital.[2]

A difference of 25 per cent. in the cost of management, and of nearly 500 per cent. in the cost of maintaining the patients, would alone warrant the appointment of a Commission. The special hospitals—Children's, Consumptive, Dental, Paralysis, Fever, Lying-in, Ophthalmic, Orthopœdic, Skin, Women's, and Convalescent—show equally startling discrepancies. Thus in the 110 institutions enumerated in the tables, the cost of management varies from 55 per cent. at the Chelsea Hospital for Women to 3½ per cent. at the Liverpool Fever Hospital, and to 1⅔ per cent. at the Corstorphine Convalescent Home, Edinburgh. The cost of each in-patient varies from 9*s.* at the

[1] These Tables can be had of the Publishers, Messrs. J. & A. Churchill, 11 New Burlington Street, W.

[2] The authorities of St. Bartholomew's Hospital, Chatham, return the cost of each inpatient per week at 4*s.* 9*d.* This is, however, an error of account, no doubt.

Western Ophthalmic, 10*s.* at the Royal Orthopædic, and 10*s.* 6*d.* at the National Hospital for Diseases of the Heart and Paralysis, to 63*s.* 3*d.* at the Establishment for Gentlewomen, 43*s.* 6*d.* at the Chelsea Hospital for Women, and 42*s.* 5*d.* at St. John's Hospital for Skin Diseases.

Turning now to the distribution of hospital accommodation, it is a fact that nearly nine-tenths of the bed accommodation in the London hospitals is situated within a radius of a mile and a half from Charing Cross. The population of London resident within the metropolitan area, and exclusive of the large number of persons who are annually sent to London for hospital treatment, cannot be less than four-and-a-half millions, one-third of which number is annually relieved at the London hospitals. Out of a total of 4,579 beds for the whole metropolis, 3,486 are provided by the hospitals situated in the narrow area above specified.

It may further be pointed out that at present North London, with a population of nearly 1,000,000, possesses but fifty-nine hospital beds, of which number the Great Northern provides 33 beds, and the North-West London 26 beds; the East End, with its river-side and manufacturing population of 1,100,000, is dependent upon the London Hospital with 790 beds, and the Metropolitan Free Hospital with twenty beds, both of which are inconveniently situated for a large proportion of the inhabitants. The West End, with a population of 950,000, has but two hospitals—St. Mary's with 190, and the West London with 60 beds respectively. A population of nearly one and a half millions on the Surrey side of the Thames has to rely upon Guy's with 700 beds, and St. Thomas's with 400 available beds, both of which, though largely endowed, are situated miles away from a portion of the district to the wants of which they nominally minister. These facts are incontrovertible, and the need of a Hospital Commission to control the action of the governing authorities of the two last hospitals has been forcibly illustrated by the recent scandals at Guy's, and by the fact that the present buildings which constitute St. Thomas's Hospital cost in round numbers 600,000*l.*; that one of the pavilions is not intended for patients, but constitutes a palace only recently occupied as a residence for the Treasurer; that this expenditure not only swallowed up all the purchase money paid for the old site and materials, but rendered it necessary to mortgage part of the income to the Charity Commissioners for a loan of 30,000*l.*, which sum was wholly expended upon the buildings, so that the money for furnishing and placing beds in the wards

had to be raised by an appeal to the public; and that, in consequence of this gross improvidence, a portion of the building is, and is likely to remain, absolutely empty, useless, and unemployed, because the hospital finances have been so grievously crippled that there is no income to maintain the beds for which such ample accommodation has been provided. This reckless and culpable extravagance is not confined to one hospital, or to London, as the hospital buildings at Wolverhampton, Leeds, Norwich, and in many parts of the country, eloquently testify. Examples of the fruits of the present irresponsible system on which some of the hospitals are governed might easily be multiplied, but enough has surely been said to establish the first proposition.

II. The unsatisfactory condition of the present out-patient system, and especially of that in force at the large metropolitan hospitals, demands reform.

No one will dispute this self-evident proposition. At the present time more than a million people, or one in three, receive relief at the London hospitals; in Liverpool one in two, and in Birmingham one in two-and-a-half of the whole population are at present in receipt of free medical relief. This question is too large to enter upon fully here, nor do the objects aimed at by this paper require such treatment. The facts are well known. The figures given above bear eloquent testimony to the amount of the existing abuses, and when the Treasurer of one of the largest endowed hospitals publicly states his experience on the question as follows, nothing more need be added. This gentleman said, three years ago, that the funds of our larger hospitals were not applied in the best possible manner, or quite with due regard to the wishes of the founders. About 600,000 people come annually to thirteen of the best hospitals in London for medical advice and assistance, at an annual cost of 15,000*l.* in medicine alone. The average attendance of these patients is from three to seven hours before each can be attended to, and the rush is so extreme that the medical advice they receive is almost perfunctory. It has further been well said that the time and attention of eminent physicians and surgeons are generously placed at the service of the poor, but unfortunately eminent persons have no more time than persons who are not eminent, and when a million out-door patients apply at the London hospitals in one year, it becomes rather a delicate arithmetical problem as to how many seconds can be bestowed on each of them.[1]

[1] Speech of H.R.H. Prince Leopold at the annual meeting of the 'Charity Organisation Society.'

III. It is desirable that every hospital and medical institution intended for the relief of the suffering poor shall be administered by a board of management, subject to periodical election by the governors, upon which board the medical staff of the charity should be adequately represented.

IV. An authoritative supervision over the administration and a public audit of the accounts of all such institutions are needed to secure a right distribution of medical relief, and a more economical expenditure of the funds entrusted to the boards of management.

These propositions relate to the internal government of the hospitals. It may be said that the old system of managing the endowed and many other hospitals has proved not only a conspicuous failure economically, but it has failed in matters of still greater moment. *The Times* some three years ago said: The objects of a large general hospital should be four in number. First, the treatment of patients; secondly, the training of the highest class of physicians and surgeons for the service of the public; thirdly, the cultivation and advancement of medical science; and, fourthly, the education of medical students. In order that the institution may be so directed as to fulfil all these objects, it must be directed by knowledge of their several requirements; and this knowledge, certainly as far as the last three are concerned, can only be possessed by medical practitioners. Under the government of a treasurer of the accustomed kind, the necessary medical knowledge cannot be brought to bear, except by the maintenance, on his part, of the most cordial relations with the medical staff, and by his full recognition of the fact that, in many matters of the greatest weight, he must walk blindfold unless he is guided by their counsel. At St. Thomas's, unfortunately, this condition has not recently been fulfilled. The consequences of the friction between the treasurer and the staff have been at many points ludicrous and at all calamitous. If we are correctly informed, the patients suffered terribly from pyæmia and other 'hospital' diseases, which have been shown by modern research to be traceable almost always to want of common sanitary supervision; and, in a general way, it may be fairly said that the new St. Thomas's has been among the least successfully managed hospitals in London. Its funds have been squandered foolishly; its opportunities for doing good have been curtailed; and the advancement of science and the education of students, in so far as they have been accomplished, have been accomplished in the face of artificial difficulties and obstacles, created by those whose first business it should have

been to remove them. Of late years the antagonism between the treasurer and the medical staff appears to have reached such a point that the customary annual dinner of the governors had to be abandoned, and at least one very distinguished teacher transferred his services to another hospital, in order to avoid a conflict which would otherwise have been forced upon him.[1]

The notorious facts in connection with Guy's Hospital have been specially brought to the notice of the Home Secretary by a deputation on a recent occasion, and it is not necessary to allude to them further here, except to say that they endorse in a very remarkable manner the condemnation of the present system of managing these great hospitals, which the writer in *The Times* has so forcibly delivered. At St. Bartholomew's Hospital matters have been managed in quietude, if not with efficiency. The recent exercise of the arbitrary powers conferred upon the treasurer of this hospital, who has decided to take away all the beds so long placed at the disposal of the assistant physicians and surgeons, thus depriving these gentlemen of the means necessary to enable them to increase their skill and to adequately teach the students, is not the least striking example of a vicious system which ought to be speedily abolished.

A public audit is absolutely necessary to check extravagance and to protect the public, which has at present but little or no voice in restraining reckless mismanagement. The donors of charitable funds and the recipients of the benefits arising therefrom, have at present but little guarantee that strict economy is practised or the greatest possible good achieved. An authoritative supervision would prevent foolish squandering, as well as the occupation of unhealthy and unsuitable buildings as hospitals, and it would also promote good feeling between the hospital authorities and the medical staff. The recent embroglio at Guy's Hospital endorses in a marked manner the condemnation of the present system of managing some hospitals, especially those largely endowed.

V. The absence of organisation and combination amongst the medical institutions throughout the country materially lessens their usefulness.

On this proposition little need be said. It is strongly enforced by the enormous and needless difference in the cost of management and maintenance brought out by the tables already referred to. The absence of this combination or co-operation leads to lamentable extravagance, an enormous waste

[1] Leading article in *The Times*, Nov. 13, 1877.

of money, owing to the repetition of an expenditure in the management of very many charities, the objects of which could be far better carried out under one roof. Hospital finance, accounts, supply, the general question of the uses and abuses of hospitals, the relations of dispensaries, and especially of provident dispensaries, to hospitals, the reproduction of exploded abuses, and the adequate trial of new systems can alone be rightly judged, decided upon, or prevented by means of this co-operation, and the sooner it is brought about, the better will it be for the welfare of all classes of the community.

VI. In the administration of the wards, so far as it affects the treatment of the patients, and especially in the management of the nursing arrangements, the medical staff should have an authoritative voice.

It is necessary to insist that the medical profession, through the honorary or acting medical staffs, shall have an authoritative voice in the administration of the wards, the treatment of the patients, and the control of the nursing. Recent events have shown the public and the medical profession to be in substantial accord on this point. No one who knows anything about the management of a hospital has any doubt on the subject. Yet the old system not only attempts, as in the case of Guy's Hospital, to openly defy public and professional opinion in this matter, but its audacity leads it to brave the interference of a court of law by studiously excluding all medical men from the governing body, in distinct contravention of the original and expressed views and intentions of the founder himself. No wonder that the nurse has been encouraged here and elsewhere to neglect her twofold duty towards the doctor, viz. (*a*) to strictly carry out his directions as to the treatment of the patient; (*b*) to observe the patient's condition, to notice the changes in it, and what she may either know or suppose to be the effects of the treatment, *so as to enable her to give a short, clear, and correct account to the doctor at each visit.* It really resolves itself into the question, Is the patient for the nurse, or the nurse for the patient? If the former is to be the principle upon which modern hospital nursing is to be conducted for the future, hospitals must soon cease to exist, because patients will cease to seek admission to their wards. A nursing school is opposed to the proper administration of a large clinical hospital. At these hospitals the teaching of students is an essential feature in the system of management, but the teaching of nurses at the same time is neither possible nor desirable. The students are taught by the sale to them of the knowledge which the acting medical

staff have acquired in the treatment of the sick. This system benefits and in no way injures the patients, because the teaching of students entails and necessitates an active, a continued, and a regular attention to their condition and progress towards recovery. The cases admitted to a clinical hospital are selected on account of their severity, and their proper treatment must embrace the attendance of the best trained nurses. It is a needless cruelty to place a severe case of acute disease under the care of a raw practitioner who knows next to nothing about nursing, and the remembrance of this fact alone ought to prevent the attachment of a school for training nurses to any clinical hospital whatever. If the patient's welfare is to be adequately considered, this proposition is unanswerable, especially when it is remembered that to train a nurse for her duties it becomes necessary to constantly change her from ward to ward, a system which would be fatal to the interests of any patient who was dangerously ill. In private houses when a case of sickness occurs and the doctor is sent for, his authority is absolute in all things affecting the treatment and nursing of the patient, so long as he remains in attendance. It is certainly a little startling to find it now argued that, because the patient is a poor person and because the doctor treats him in a hospital ward, all this is to be altered, and the nurse or the lady superintendent, or some other irresponsible person, is to fill the place rightly occupied by the doctor in every private house all the world over. It will no doubt astonish many people to hear that in the majority of the large hospitals the nursing arrangements are under the control of a matron, unaided by a nursing committee, and only indirectly, if at all, assisted by those alone qualified to direct, viz. the medical staff. Out of twenty-two hospitals having medical schools, there are but seven where this important department is superintended by a nursing committee upon which the medical element is represented. Of course the greater includes the less, and so the practice at the chief hospitals in a matter like this becomes the law which guides hospital managers generally throughout the country.

VII. The importance of medical education, and the adequate training of the members of the medical profession, require an intelligent recognition of the relation of the hospitals to their medical schools, to insure an improvement in such relations.

The following are the views of the members of the Metropolitan Counties Branch of the British Medical Association on this point. These views were arrived at after full discussion

at a meeting specially summoned to consider the question, and their moderation and force must carry conviction to the mind of every unprejudiced person.

Inasmuch as the education of medical men is a matter of vast importance to the State, it should be as complete and practical as the science of the day permits. It is, therefore, an imperative necessity that the relationships existing between the large hospitals and their medical schools should be those best calculated to promote this end. Yet, notwithstanding this, medical education in this country almost entirely depends upon private speculation and haphazard enterprises whose success rests upon the preservation of a harmonious relationship between corporations with *apparently* separate aims. Should this harmony between hospital and school at any time be ruptured, the existence of the school becomes at once imperilied, thereby seriously endangering the interests of the public. A great clinical hospital can never with truth say to its medical school, 'We can do without you,' for of itself it would fail to attract for its patients the highest medical skill. Granted that the obligations conferred upon the schools by their respective hospitals are great, yet those bestowed on the hospitals by the schools are vastly greater; for the imparting to others of the skill and knowledge acquired in the treatment of disease by the physicians and surgeons does not injure the patients in a hospital (as some ignorantly suppose), but on the contrary directly benefits them by rendering the teachers still more efficient in the wards, and by directly administering to the comfort and well-being of the patients. Clinical teaching attracts skilled and gratuitous labour to extend the usefulness of the institution. A successful school means a successful hospital.

Enquiries on these points made at all the important hospitals in the metropolis and the country show that their consideration is almost entirely neglected by the persons who ought to foster their growth. So little do the governors recognise their responsibilities, that in most schools the buildings are inadequate for the purpose in consequence of being mainly, if not altogether, erected at the expense of the teachers, who are merely tenants at will. Notwithstanding that the museums, so essential for guidance in treatment and for educational purposes, are, almost without exception, claimed as the property of the hospital authorities, yet contributions towards their development and maintenance are made by only six out of the eleven metropolitan, and by four out of eleven country, hospitals. In the case of the former, 1,000*l.* per annum would more than cover the grants

thus made. Seven of the country and five of the metropolitan hospitals contribute absolutely nothing to either museum or school, while four of the latter actually retain a portion of the school fees. It cannot be right that the development of so important an item in a nation's economy should depend on the voluntary efforts of those who, while willing, have not the power to elevate medical science to its proper position. Furthermore, hospital authorities are seemingly unaware of the obligation laid upon them of nurturing and training able physicians and surgeons for the service of the State.

Again, with adequate representation of the medical staff upon the boards of management of the hospital, and of the governors upon the school committees, an intimate acquaintance with the practical requirements of these joint institutions would secure the highest efficiency in the administration of the whole.

During recent years the Metropolitan Asylums Board have built and opened some of the most extensive and complete of modern hospitals. These splendid poor law infirmaries have provided accommodation for nearly 10,000 in-patients. They are placed in charge of paid resident medical officers, whose clerical duties, under the present system, are so onerous that they have far too little time to devote to the treatment of the cases entrusted to their care. These infirmaries afford a magnificent field for the treatment and investigation of disease, for pathological research, and for medical education. The Marylebone Infirmary, prior to its being brought under the operation of the Poor Law, was an instance of what these institutions might become, with great advantage to the inmates, as aids to the progress of medical science.

A Royal Commission would consider if any and what alterations were necessary in the management of these splendid poor law infirmaries; how far, if at all, they could be made available in a rearrangement of the hospital accommodation of the metropolis, and whether or not it might be desirable to appoint visiting physicians and surgeons, assisted by efficient juniors, and aided by a staff of clinical clerks, dressers, sisters, and nurses, to relieve the resident staff by undertaking the treatment of some or all of the cases.

It has not been the object of this paper to suggest remedies, alterations, or reforms, but to bring facts to the notice of the Congress, in the hope that sufficient public interest may be awakened to ensure the application of a prompt and adequate remedy to the many existing evils. It may not, however, be out of place to say here that in Sweden the Government have

for years worked the hospitals on a system which would confer great benefit upon our own towns, by bringing the poor law and voluntary institutions into more intimate association, though managed by separate governing bodies. This has been secured in Sweden by a scale of charges demanded from all patients who are admitted to the hospital. The first grade pays a substantial sum and obtains anything and everything the patient may care to have or to pay for, subject to the control of the doctor. The second pay a much less, but a remunerative rate, for all that they receive at the hospital; and the third class are paupers who are paid for on an agreed scale by the poor law authorities. Thus, well-to-do, thrifty artisan, and improvident pauper are all treated by one staff, controlled by one administration, and are located in immediate proximity to each other, though in separate pavilions. This the writer believes to be the true system to aim at securing, and he hopes that ultimately some such plan will find acceptance in Great Britain, to the advantage of every one concerned. This suggestion is, however, at best but a digression from the purpose of this paper. It will be for the Congress to decide whether or no it is desirable that our hospitals should be placed in some sense or other under State supervision. Enough evidence has been produced to-day to show that the time is ripe for an exhaustive enquiry by a Royal or other Commission. Sir William Harcourt, M.P., the present Home Secretary, has already expressed himself favourably disposed towards such an investigation, and there is good reason to believe he may be induced to grant an enquiry at the instigation of the Social Science Association. In the writer's opinion, whether State control be ultimately decided upon or not, it is undoubtedly desirable that an annual conference of the representatives of all the hospitals of this country should take place, because it would possess great economical advantages, and be likely to prove useful and attractive to the charitable public, and so doubly beneficial in the end to all medical institutions. In the same way, following the example of Paris, a central store might be established in London at which all the hospitals could purchase, at a little over cost price, every article of consumption, from an egg to a wooden leg. An arrangement of this kind would tend to reduce the large discrepancies as to the relative cost of patients which at present exist between one hospital and another, and any one purchasing at the store would have a guarantee that the article supplied was not only of moderate price, but the best and most suitable of its kind. In the same way, by combination,

the reliable income of all hospitals might be raised at a fourth of the present cost through one common agency. The establishment of one central office for all the London hospitals, for instance, for the collection of old subscriptions, would not only save a vast expenditure upon management, but prevent annoyance to many charitable people by abolishing multiple and duplicate appeals. I see no reason why the organisation of the Hospital Sunday Fund should not be utilised for this purpose. It possesses the confidence of the hospital authorities, and at present its excellent organisation is lying dormant for nine months out of every twelve.

Again, the appointment of a controlling authority, endowed with adequate powers to sanction, restrict, or prohibit the erection of a new or the extension of an already existing hospital or dispensary is urgently called for.

It would not be difficult to multiply instances of ill-advised hospital erection or extension, but enough have already been given, and only two more need be added here. The Brompton Consumption Hospital, one of the most valuable of English medical charities, is expending on its new wing nearly all of its funded property, thereby throwing a burden on the public to the extent of 10,000*l.* per annum. St. Thomas's Hospital has been forced by the folly of overbuilding to hand over one wing to the well-to-do, and to admit paying patients into other wards in order to maintain its present reduced number of beds. Nearly everywhere the building mania seems to have blinded hospital managers, so that similar extravagances, going far beyond the requirements of the districts in which the hospitals are situated, and entailing half-empty wards and increased cost of maintenance, are becoming the rule and not the exception. The indiscriminate institution of special hospitals and dispensaries is productive of evil, and a controlling power is urgently called for to prevent the multiplication of so-called charities, which—oftentimes springing from unworthy motives—decoy charitable funds from legitimate channels. Such examples of ill-advised expenditure reflect directly or indirectly great injury upon the poor, for whose benefit the large sums concerned were originally intended.

The social and public aspects of this great question of the right government of our hospitals alone demand an immediate investigation. When something like one million and a quarter of the population of London annually seek and receive gratuitous medical relief, and when the whole wage-receiving class in the metropolis, if we take the census of 1871 for a basis, and include all who by position or occupation are not above this class, cannot

be estimated at more than 1,400,000—whatever deductions may reasonably be made for a certain number of patients appearing more than once on the lists in the same year—there is enough remaining to warrant an independent enquiry into the whole question by a Royal Commission. This feeling is rapidly spreading, and is making itself felt in the diminished incomes which the hospitals are now receiving from voluntary sources. This difficulty will certainly increase as the public become impressed with the knowledge that it is not the sick poor at all who are being benefited, but nearly the whole wage-receiving and industrial classes, a large proportion of whom are well-paid artisans.

It cannot be too forcibly impressed upon the managers of these institutions that, though for the most part under private management, the hospitals, if they are to fulfil any useful purpose, must be public, or they will cease to be indispensable. Each large hospital should be the centre of a district, and the dispensaries in that district should be affiliated with it. At the present time there are no means of extending medical relief in proportion to the demands of a growing population, and every year the poor are being moved further and further away from the larger metropolitan hospitals.

Finally, it should be distinctly understood that the views set forth in this Paper are not merely those of the writer, but have gradually become the convictions of the majority of the more intelligent and better informed hospital managers. In proof of this it may be well to conclude with an extract from a letter[1] written by Sir T. Fowell Buxton, late treasurer of the London Hospital, in response to a suggestion of the writer to hold an annual conference of hospital managers, which was published in *The Times* of April 23, 1878:—

From a long acquaintance with hospital management I am convinced that its principal defects, both in London and the country, arise from want of organisation and co-operation, and from the absence of all central control and of Government inspection. If the hospital system were complete, each central hospital would be surrounded by its satellites of dispensaries, cottage hospitals, special hospitals, convalescent homes, &c., which would intercept numberless cases which otherwise burden the wards of the hospital, and would furnish advanced education for the pupils of its school. Without some such authority as is possessed by School Boards, it is impossible to organise such a system as this, or to apply the theory, which all acknowledge to be the right one, of provident medical charities, or to make our medical colleges worthy of the name, or to promote the scientific training of

[1] *The Times*, May 2, 1878.

nurses. I entirely concur in the proposal of a conference, not that of itself it would effect much, but it would pave the way to the appointment of a Royal Commission and ultimately to parliamentary action. I do not believe that hospitals upon which the demands increase year by year can much longer keep pace with the requirements of modern medical practice on the precarious support of voluntary contributions, and I earnestly hope that Parliament will take the matter in hand before it is forced upon its notice by the collapse of some important institution.

On Hospital Administration in Paris and London. By Dr. Prosper de Pietra Santa, of the City of Paris. Editor of the 'Journal d'Hygiène.'

[TRANSLATION.[1]]

HAVING been requested to furnish precise information concerning the working condition of the 'Assistance Publique en France,' we have hastened to reply to the three points raised:—

1st. What are the regulations which govern the French hospitals?

2nd. Are these establishments placed under the control of the State?

3rd. Are the expenses defrayed by the Government or by voluntary subscriptions?

With a view of elucidating these interesting questions, we have drawn up a general statement with reference to the subject. We have borrowed from the learned writings of Messrs. Husson and Blondel, ex-directors of the 'Assistance Publique,' whose devotion and intelligence have so greatly advanced and materially benefited the 'administration.' These gentlemen have fully recognised the important considerations connected with the subject, and have exhausted almost every detail appertaining thereto.[2]

We propose, after having enumerated the conditions under which the 'Assistance Publique de Londres' is carried out (taking as a guide the report drawn by M. Blondel on the subject), to trace the system adopted by the French service. A comparison between the English and French systems will make the details contained in the works of M. Husson easier of comprehension, and should make our reply satisfactory.

[1] By Mr. H. H. Collins, Hon. Secretary of the Department.

[2] M. Husson (Armand), Etude sur les hôpitaux, 1862; M. Blondel (Fernand), Rapport sur les hôpitaux civils de la Ville de Londres, 1862.

I.

There exist in London, but under different forms, various charitable institutions, akin to those in Paris, having for their object the treatment of the sick (in general and special hospitals), the relief of the aged and infirm (in workhouses), the protection of the young and infants, and the succour of poor artisans and paupers.

In England, voluntary charity is specially directed towards endowing institutions for the treatment of the sick (large hospitals and small dispensaries), whilst it is generally left to public or parochial authorities to relieve by means of poor-rates the unfortunate, infirm, and aged.

The hospitals and dispensaries are without exception private institutions, supported exclusively by the liberality of their founders, or by life or annual subscriptions from people who are continually associating themselves with them.

These institutions are, as a rule, developed in the first instance under the form of dispensaries, and, in proportion as their resources increase, so they expand and ultimately rise to the rank of hospitals; sometimes they are still more ambitious, and become also schools for (medical) instruction.

The largest and richest hospitals of London have nearly all commenced on a very small scale and with but very limited means.

St. Bartholomew's Hospital was founded in 1123, by Rahere, minstrel to King Henry I., for 100 beds, was reorganised by Henry VIII., and now contains accommodation for 650 beds.

Guy's was established in 1721, for 100 patients, by a librarian of this name, and is now one of the richest and most important hospitals of Great Britain.

In 1862, Mr. Sampson Low, in his work 'The Charities of London,' estimates the income accruing to endowed hospitals at the sum of 210,384*l.*, and 125,376*l.* as the amount of annual subscriptions, given in further aid for their support; this constitutes an annual budget of 335,760*l.* for fourteen general hospitals, sixty-six special hospitals or infirmaries, and thirty local dispensaries.

The origin of these establishments, whether ancient or modern, is the same, and should not be in any way confounded. All have been instituted by individual benevolence.

The English law accords to private promoters the right of forming, organising, and administering; it leaves them as free

in their ideas as in their actions, totally independent of each other, as well as of all superior authority.

As a resumé, writes M. Blondel, the government of each London hospital rests solely with a committee, representing the subscribers whose liberality supports it; and all such establishments have in an exclusive manner the character of private institutions.

II.

In France nearly all the hospitals have had for their origin pious foundations of sumptuous liberality, due either to the munificence of our kings, to the benevolence of the nobility, or to that of private individuals.

The wealth of our hospitals is not derived from any other source. Accruing with time, and augmented by fresh endowments, although their patrimony has had to sustain ancient spoliations and successive reductions consequent to all incomes derived from the State, yet in many parishes it still to-day suffices for the support of those asylums of suffering.

In Paris, unhappily,[1] disease has increased with greater rapidity than the endowments of these establishments.

Weakened by the general causes which we have just enumerated, reduced by the numerous alienations of capital, the income of the administration of the 'Assistance' does not represent more than three twentieths of its annual expenses, ten other twentieths are produced by advances, or by various collections, and the budget of the city adds about seven twentieths in order to make up a sum total of twenty to twenty-two million francs,[2] which is necessary for the support of the different departments of the 'Assistance Publique,' such as hospitals, almshouses, outdoor relief, care of children and lunatics, who are received in the Paris establishments.

Private benevolence, it is true, is at the present moment actually less occupied than formerly with the treatment of the sick, but it does not on that account diminish its efforts; it has only altered their direction, and now devotes them with greater energy to the foundation of asylums for the aged and infirm, to the care of children, and to the assistance of the poor in their own homes.

Public spirit in France, and particularly in Paris, considers the gratuituous support of hospitals as a debt due from the city; it supposes the treatment of the sick sufficiently

[1] Le mot *disease* ne rend pas la pensée du mot *les charges*, c.a.d. toutes les dépenses de toute nature qu'occasionne l'hôpitalisation d'un malade.

[2] This was during the years 1862 to 1864; to-day it exceeds thirty millions.

assured by the establishments which already exist, whilst it brings other charity into useful and judicious competition.

III.

Thus one can applaud in France, as in England, the wonderful manner in which a noble sentiment of fraternity has been created amongst the various classes of society, and acknowledge with much satisfaction that in the two people charity is equally active and equally powerful for good. At the same time it is a constant regret that the hospitals of France, as well as those of England, derive their sole regular support from private charity and their foundations.

Derived from a common origin, they were during a certain period of a similar character as those of London. Our hospitals have been private establishments, isolated, and independent of each other, the greatest number of them having their own administrative body, regulated by their own statutes or granted charters.

Thus the two countries in their charitable institutions present almost a complete similarity which has only ceased since the passing of the laws of 'Vendémiaire' and 'Frimaire,' an V., to which we owe the foundation of the great and beautiful institution of the 'Assistance Publique' in France.

It may not be useless to point out, that these laws make it binding on each parish to relieve, to the extent of its means, those of its inhabitants who are poor, sick, or infirm, and that a certain number of the most influential inhabitants are deputed to gratuitously administer, under the control of the municipal authority, the legacies bequeathed for the relief of the poor, under whatsoever form such assistance may be rendered.

Since these laws have been in force, all benevolent institutions, especially hospitals, are under uniform regulations, which, without effacing the traces of their origin, lead to competition, each directing its endeavours towards a common end, namely, the solace of the largest possible number of the poor and distressed.

Thus it is that the 'Assistance Publique' in France constitutes a mixed organisation, which resembles the voluntary assistance of England, as well as the communal assistance, taking advantage of both their good points without being affected by those dangers which English legislation has created by the poor law rates. This administration brings at the same time to the cognisance of the rich and influential the misfortunes and sufferings of the poor, and is the faithful exponent

of the founder's intentions to add to the patrimony of the poor the dispensation of all charity destined for them.

IV.

The explanation of the rights, privileges, and exemptions granted by the kings of France who successively endowed the hospitals with a fixed revenue forms a most interesting chapter of their history, to which we will dedicate a few lines.

These different prerogatives constitute various classes of privileges:—

(*a*) Letters patent and judicial privileges. (Charters by which the sovereigns took an institution under their immediate protection, or granted them a special jurisdiction for their legal affairs.)

(*b*) Letters of amortisation, and exemption from taxes. (That is to say, exemption from all legacy duties on fortunes bequeathed for the relief of the poor.)

(*c*) Creating various revenues. (Produced by fines enforced against duellists and against those who carried on gambling houses. Pecuniary penalties: confiscations and revenues derived from police fines; taxes on the receipts of theatres.)

The idea of deducting from the pleasures of the rich a premium for benefiting the poor dates back to the time of 'Les Mystères,' which the 'Frères de la Passion' only obtained authority to represent upon the formal conditions of contributing a sum to the exchequer of the poor.

It was not until the eighteenth century that this tax came into operation.

An Act of Louis XIV., dated February 25, 1699, states: 'There shall be levied a sixteenth over and above the sums paid for entrance to operas and comedies, the said sixteenth to be employed in the maintenance of the poor.'

Difficulties having arisen as to the interpretation of this clause, a second Act, dated August 30, 1701, states: 'That the sixteenth shall be taken on the product of the places without any diminution or deductions under pretext of expenses or otherwise.'

Modifications of its details were brought to bear on this tax by the laws of the seventh Frimaire and eighth Thermidor, an V., and by the decree of December 9, 1809.

In the budget of the 'Assistance Publique' the tax on plays, which figures in latter years (1862) at the sum of 1,500,000 francs, now exceeds 3,000,000 francs

V.

We will now devote a few words to the organisation and affiliation of the hospital administration, from its origin to our own times, in order the better to appreciate its present harmonious working.

Thanks to the initiation of Cardinal D'Amboise and Chancellor Duprat, the sixteenth century had inaugurated, to a certain extent, the administration of public charities in Paris and France.

Up to this time the administration of the hospital establishments had been in the hands of the clergy.

In Paris, the decree of Parliament of May 1505 separated the 'temporal from the spiritual,' and confided to eight lay commissioners, 'good and loyal personages to be receivers and procurators to govern to the exclusion of the priesthood, all the chattels and revenues of the Hôtel Dieu.'

A declaration of Louis XIV., dated December 12, 1698, confirmed the organisation in secular hands, and settled the principles which were to govern the administration and to regulate the accounts of refuges and hospitals.

Hence springs the grand reform. Its reconstitution on solid bases has stood victoriously the test of time, the vicissitudes of politics, and the attacks of opposition.

A statute of the consuls, dated 27 Nivôse, an IX. (1801), upon the remarkable report of Count Frochot, confided the administration of the civil refuges of Paris to a general council of the administration; with the assistance of an executive committee charged with the execution of the deliberations of the council.

The law of January 10, 1849, in concentrating the administrative and executive power of the former general council of refuges into the hands of one sole director, but still responsible for all his actions to a superior power, gives to this functionary that right of permanent and immediate action which is the vital condition of hospital management.

The director of the 'Assistance Publique,' thus invested with all the power of administration which belonged to the ancient council, replaced in Paris for all practical purposes the hospital commissions of the Ville de Province.

We must not lose sight of the fact that as a rule the hospitals, refuges, and charitable institutions have always been governed by persons of acknowledged position, who have been declared capable of holding, acquiring, and accepting all legacies and donations.

Above all, these acts of private benevolence can only be administered with the approval of the superior authority, guided by its legal adviser.

These principles of public right, consecrated by Acts of ancient legislation, have been confirmed by all our subsequent and modern laws.

VI.

What is the actual state of things in Paris?

The general administration of the 'Assistance Publique' has been organised by the law of January 10, 1849.

Placed under the special supervision of the Minister of the Interior, it is in the jurisdiction of the Prefect of the Seine, and is discharged by a responsible director, aided by a superior council of inspection, whose composition is fixed, and whose duties are determined by the decree of April 24, 1849.

The director appointed by the Minister of the Interior, upon the recommendation of the Prefect of the Seine, is invested with every authority to regulate its interior and exterior organisation; he it is who prepares the budget, accounts for the expenses, and presents to the municipal council of Paris the results of his administration. He represents in court of justice the hospital establishments, and has the legal guardianship of foundlings, children who have been abandoned, and orphans.

The council of inspection is called upon to give its opinion on the budget and the accounts, as well as the statement of expenses prepared and presented by the director; on the acquisition, the exchange and the sales of properties, and of everything which interests their conservation and improvement; on the conditions of granting leases, and of lettings; on plans for new works, building contracts, acceptance and refusal of gifts and legacies, investment of funds, legal matters, and all business transactions, &c.

It is the council which is responsible for the conduct of the doctors, surgeons, and chemists, of the staff who are proposed for election, with the approbation of the Minister of the Interior, and whose appointments can be cancelled by the latter on the vote of the council and the proposition of the Prefect.

VII.

The administration of the 'Assistance Publique' has a double mission.

(*a*) To treat the sick and wounded, to relieve the aged and infirm, and all those incapable of self-support.

(*b*) To afford medical advice, in their own homes, to those who are necessitated to be with their families.

From these two great divisions are derived: 1st. Hospitals and refuges; 2nd. Charities.

1st. *Hospitals and Refuges.*—There are twenty-two hospitals for the relief of the sick and wounded, subdivided into general hospitals: Hôtel-Dieu, Pitié, Charité, Saint-Antoine, Necker, Cochin, Beaujon, Laënnec, Lariboisière, Tenon, Bichat; and special hospitals—Saint-Louis, Midi, Lourcine, Clinique d'Accouchement, Clinique, Trousseau, Enfants Malades, Berck-sur-Mer, La Roche-Guyon, Forges, La Maison Municipale de Santé.

There are thirteen endowed refuges to afford asylum for the aged, infirm, and foundlings, subdivided into refuges in their full sense; such as Bicêtre, La Salpêtrière, Les Incurables, Enfants assistés.

Refuges as asylums and houses of retreat: Les Ménages, Larochefoucauld, Sainte Périne, fondation Boulard, Brézin, Devillas, Chardon-Lagache, Lenoir-Jousseran, Lambrecht, Riboutte, Vitalis.

Special laws of January 22, April 8, and August 7, 1851, regulate the conditions of admission into hospitals and refuges.

Lunatics are received into special establishments as prescribed by the law of June 30, 1838, which determines all the conditions in relation to this class of incapables.

2nd. *Charities.*—To help the indigent, to succour thereby a distress which would not be long in producing disastrous results, to reunite family bonds, and thus to maintain the poor in the midst of those who are dear to them, and to relieve in their own homes those who very often shrink from entering hospitals, is the second part of the scheme pursued by the general administration of the 'Assistance Publique.'

Twenty 'Bureaux de Bienfaisance' have been instituted in Paris, charged each in its district with the distribution of charity and outdoor relief to the poor requiring its aid.

In the course of latter years, a lying-in staff, to attend outdoor cases, has been organised on an excellent basis.

Gratuitous consultations are given every day by doctors; the prescriptions which they order are made up without charge by the 'houses of relief,' forming part of the bureau. Thus in a natural manner an efficacious means is provided for diminishing the staff of the hospitals and refuges.

A decree of the 24 Vendémiaire, an XI., has regulated the conditions relative to outdoor relief.

By a consular statute of the 29th Germinal, an IX. (April 19, 1801), the administration of outdoor relief of the

city of Paris has been added to the duties of the general council of hospitals.

The new administrative organisation for hospitals, refuges, and outdoor relief was finally settled by two statutes of the Minister of the Interior, the first 8 Floréal, an IX. (February 24, 1801), the second in the 8th Prairial, of the same year (May 24, 1801).

In order to satisfy certain ideas for the better improvement and progress of the 'Administration,' a decree of the President of the Republic, dated May 4, 1880, instituted a commission to elaborate a new code for the organisation of outdoor relief in Paris and France. A sub-commission has already studied the questions relative to the composition of the Bureaux de Bienfaisance, the means of recruiting the number of administrators, as well as the manner of nominating the medical staff.

VIII.

To meet the numerous expenses required by its various branches, *i.e.* hospitals, refuges, and charities, the administration possesses revenues of various descriptions.

Some, which have been given for no special purposes, can be devoted to every kind of expenditure.

Others, whether they have been derived from donations or have been collected by virtue of a law or statute, regulating their destination, and directing their employment to a special branch of the service, can never be diverted from the objects to which they have been assigned.

We borrow from the report of the 'Budget of Income and Expenditure for 1882,' which has been kindly placed at our disposal by Mons. le Directeur-Général, the following details:—

Receipts.

1. The revenues proper on freeholds and leaseholds, 5,844,400 francs.

(*a*) Rent of houses and lands, farm rent in cash, wood cutting.
(*b*) Government rents, sundry creditors, interests on funds invested in the Treasury.

2. Taxes granted, poor rights on theatre, ball and concert tickets, bonuses prescribed and profits derived from the working of the Mont de Piété, levy on product on land concessions in cemeteries, 3,972,000 francs.

3. Money realised (in the hospitals) and sundry reimbursements, 3,353,365 francs.

Moneys realised from sales and sundry receipts, legacies (to hospitals), reimbursement of expenses derived from board and lodging

in the different establishments, products from sundry works (*i.e.* land cultivation, workshops, and cemeteries).

4. Properties of the 'enfants assistés,' products resulting from correctional police fines, gifts and special legacies for the benefit of the enfants assistés, Government subsidy equal to one-fifth of the outdoor expenses, 1,296,600 francs.

5. Municipal subsidies (ordinary and special), 15,457,235 francs.

Ordinary expenses for hospitals, dispensaries, and attendance at home.

Special expenses for the school for trained nurses (men), museums, and laboratories in hospitals.

6. Standing annual receipts, sales of articles at the general shops, viz. central apothecaries, bakery, &c., 2,201,400 francs.

7. Receipts from services having a distinct revenue, 1,296,600 francs.

8. Standing income, products from lunatic asylums, capitalisation and sundry consolidated funds, fresh purchases and other sundry sources of income, 2,264,000 francs.

Expenditure.

General expenses, ordinary and extraordinary, stand in the budget in six distinct paragraphs under the following headings:—

1. General expenditure of the administration, 1882 budget, 2,179,900 francs.

Expenses of staff, office, libraries, museums, demonstrating theatres, temporary allowance and retiring pensions.

2. Special charges on revenues, expenses on collection of taxes and land agents, land and mortmain taxes, expenses and legal documents, &c., 572,200 francs.

3. Sanitary and expenditure administration, 21,264,800 francs; doctors, surgeons, and druggists, 1,824,400 francs. General shops (cost of), druggists, 1,524,900 francs; bakery, 1,489,400 francs; butchers, 3,169,600 francs; wine-cellars, 2,328,800 francs; provisions, 3,072,600 francs; lighting and firing, 1,488,400 francs; uniforms, furniture, 3,007,000 francs.

4. Special expenses devoted to the service of home attendance and that of the enfants assistés, 6,727,500 francs.

Staff of the 'Bureaux de Bienfaisance,' medical attendance on patients at their own homes, accouchements at home, help to disabled and aged people.

5. Expenses of foundation having a distinct revenue, 1,296,600 francs.

6. Amount placed to reserve fund, 84,000 francs.

The budget of the 'Assistance Publique' of Paris for the year 1882, presented to the Municipal Council by M. Ch. Quentin, Director-General of the Administration, shows, therefore, a sum total of 34,389,000 francs.[1]

[1] Budget 1881: Expenses, 29,156,272 francs. Receipts from the administration, 15,633,000 francs; municipal grants, 13,523,272 francs; total, 29,156,272 francs.

It is with the same idea of untimely spoliation that M Bourneville, in his report on the budget of 1880, proposed to his colleagues this double project:—

'1st. That the law of January 10 and 13, 1849, on the organisation of the "Assistance Publique," should be revised and made to harmonise with the wants and wishes of the Parisian population.

'2nd. That the law of the 14 Vendémiaire, an XI., should be repealed, and that a new law should be passed to fix in a more equitable manner the arrangements for the houses of relief.'

One blushes to read such lucubrations, which denote an absolute ingratitude towards a glorious past, and tend to upset these great and salutary institutions by manifesting a monomania for their reconstruction.

DISCUSSION.

Mr. ABRAHAM SHACKLETON (Dublin) said that Mr. Burdett was very well acquainted with hospitals in London, and a good deal of what had been said was true of the hospitals of Dublin, but in many respects the Dublin hospitals differed from those of London. The Dublin system was not perhaps so overgrown as that of London. It was perhaps desirable to have a Royal Commission to inquire into the whole question, but in Dublin their experience was that Royal Commissions were not fraught with much good. A Royal Commission a quarter of a century ago resulted in the appointment of a board of superintendence in Dublin; but the board was composed of very exceptional materials, though of the highest respectability, and did very little except publish a report every year. He agreed, however, in the necessity for some inquiry. The great want was some controlling power which would cause all hospitals to be worked together so as to produce the greatest benefit for the public at large. In Dublin there had been too many hospitals, and rival interests had sprung up, many hospitals competing with others instead of acting in concert. Some of the anomalies to which Mr. Burdett referred must always exist. For instance, in London some hospitals had treasurers who did not exercise their large power in the wisest manner. No such officers existed in the Dublin hospitals, the management being carried on by a board of governors. One of the evils of these boards was that though nominally elected annually, there was too seldom any effort to introduce new blood. It was thought invidious to remove any gentleman when once placed on the board. The evil, however, arose to a great extent because the subscribers did not attend the annual meetings. Mr. Burdett had made a valuable suggestion, that if the board of management exercised more supervision there would be more economy. He had always felt this since the establishment in Dublin of the Sunday Hospital Fund, which had acted wisely

in endeavouring to control the management of the hospitals. The Sunday Hospital Board appointed a committee to report on nursing in the Dublin hospitals. The result had been very successful in improving the character of the nursing. He thought the council of the fund should not be afraid to go further and supervise the management of the hospitals. The Dublin hospitals were somewhat dependent on voluntary contributions; but some of them had grants from the Government or the Corporation. Wherever there were Government grants there ought to be some Government supervision, at least more than exists at present. The Dublin Corporation granted about 4,000*l.* a year to the hospitals, but did not exercise as much control as it ought to do. Some of the members of the Town Council intend to try and effect a change in this respect. The grants from the Corporation ought to be made upon some fixed principles, such as the Sunday Hospital Council adopted. The grant might be in proportion to the subscriptions. He hoped the tendency in the future would be to exercise some control of this kind, and that this would result in something better than the former Royal Commission did.

Mr. J. E. C. Peyton (Registrar of the Orthopædic Hospital, Usher's Island) considered that any State supervision must involve State support. It only needed action to be taken in order that State support of hospitals might be developed. It was the duty of the State to take care of its indigent poor, and it ought to be the duty of the State to take care of its sick poor. The State supported hospitals in one way by exempting them from taxation. Several of the Dublin hospitals already received State support. Undoubtedly there was a need for State recognition, as experience told him that with that recognition patients would be better attended to than at present

The Rev. Dr. Haughton (Trinity College, Dublin) thought the question to be debated had not been raised directly by either of the papers. Neither of the Papers had influenced his judgment as to the State supervision of hospitals. For many years he had been one of the governing body of two Dublin hospitals, one of which received a grant from the State, and the other did not. The State inspection by a Government officer once a year he did not regard as having the slightest beneficial effect on the State-aided hospital. It was such a formal matter that he attached no weight to it. The other hospital where there was no State supervision was equally well managed. In the London hospitals he was struck with the palatial accommodation for the treasurers. Those hospitals seemed to be suffering from a plethora of income, the usual tendency where there were large endowments and no large voluntary subscription list; but in Dublin such a thing could not happen as they were too poor, and hence the subscribers took a more lively interest in the working of the hospitals, and took greater care to elect active and intelligent governors on the boards of management. In regard to the medical schools of London, they were very defective. It was confessed at the International Convention by the ablest teachers in London that it was impossible to teach anatomy in the London hospitals except sufficient to make efficient surgeons; but the scientific teaching of anatomy and chemistry, or

any of the branches which assisted medicine, was not possible or likely to occur in the London hospitals. To some extent the universities supplied the defect of the hospitals—especially the teaching in the universities of Edinburgh and Dublin. There was a large medical element on the boards of the Dublin hospitals which did not occur in London. That was a question much discussed, and there were at least seven or eight sides to it. The first evil was that extreme jealousy of medical officers was created, so that scandals such as occurred at Guy's became possible. The board of governors set aside the medical opinion so much that the charge of the hospitals was left with the nurses. But he would have the medical element to a limited extent on the governing body of every hospital. In some cases in Dublin the medical element was, no doubt, too strong. A direct and strong representation ought to be given in every hospital to the subscribers; and secondly a moderate amount of representation should be given on the board to the medical element of the hospital. If that were done, then without any clumsy machinery of State intervention a public interest would be created and the hospital management would be very much improved. When the Hospital Sunday Fund was started in Dublin he at first hesitated to join in it. As they had a regular *clientèle* and churches where they could always get a charity sermon preached, he thought they would be running a risk by combining with other hospitals; but he found the timid party was wrong, as the individual subscribers had largely increased, and over and above that there was 4,000*l.* a year to be divided coming from sources never before reached. A judicious and wise distribution of the fund, and the creation of a public interest in hospitals, had done more than anything else to reform and improve the hospitals of Dublin. The food of the patients was also improved. In the matter of nursing London was at a disadvantage, like all Protestant communities. In Paris and in Dublin they had the incalculable advantage of educated ladies devoting themselves to the nursing of the poor. This was entirely wanting in London, where, however, efforts were being made to remedy the deficiency by training lady superintendents of nurses, and making all nurses pass through a certain training. By some such means as this, also by altering the constitution of the boards of management, and by getting subscribers to take more interest in the working of hospitals, they would produce a greater effect than by any cut-and-dried machinery of State supervision.

Surgeon Myers (Coldstream Guards) could not see that the question of State supervision was advanced by the Papers. London and Dublin were ill adapted for comparison, the one being rich, the other poor. He should not like to see the London hospitals under the supervision of the State. If such supervision took place, then the State must also support the hospitals, and the public would feel their support was not so much needed. If the State gave support it would have a right to see that the funds were properly administered. In comparison of the expenditure of different hospitals one variation must depend upon the diet given—whether the greater proportion is meat or vegetables, as probably may be found in London and Cork. An inquiry might be advantageous, but the different circumstances of hospitals must be kept

in view. Small special hospitals might form with much reason a subject of inquiry, but their special circumstances must not be forgotten. Supported by private funds they were often characterised by great expenditure without any equivalent result.

Mr. CLARENDON (Hon. Sec. of the Adelaide Hospital) believed that Professor Haughton had shown that supervision of some kind external to the supervision of the Governors was of importance. The very fact of an improvement in hospital management resulting from the Hospital Sunday movement; also the improvement which had taken place in the nursing department, arising from the same cause, proved this. The State supervision which was exercised over some of the Dublin hospitals had been of advantage both to the public and the medical profession. The parliamentary report annually published by the Board of Supervision, and the statistical information given with it, formed a valuable record. Subscribers were able through these reports to see what returns they got for their money. Some external supervision might possibly prevent the abuse which sometimes occurs of persons who could afford to pay seeking gratuitous relief to the injury of the charity. The medical men who gave their free services ought to have something to say in the management of the hospitals. Seeing the results which attended these annual reports and the disposal of the Sunday fund, he thought some supervision by the State, with certain safeguards, would prove beneficial, as it had done in the case of the administration of the Poor Law.

Dr. JACOB (Dublin) had been satisfied by Mr. Burdett's Paper that in some form State supervision was desirable. The extent of the sick relief given and the amount of money expended upon it were sufficient reasons why the State should step in and take charge of these great interests now inadequately provided for by administrative Boards. Effective board management was extremely hard to obtain; Boards would not be induced to take as much interest in administration as State officials would do. The fact that so much had been done by the supervision exercised by the Hospital Sunday Fund Council proved how much more could be done by an effective scrutiny of hospital administration. Hospitals required especial scrutiny in three points. First in regard to the expenditure of their money. Mr. Burdett had proved that the expenditure of the London hospitals was subject to the grossest abuses. The poverty of the Dublin hospitals prevented the like abuses there. He attached very little importance to the control of the Dublin Board of Superintendence, because when abuses had been discovered they had only been dealt with in a milk and water fashion, and no steps had been taken to terminate them. The reports on the subject made up in July were not published till the following 31st March, and then the time had passed for the facts to be of any value. In regard to the question of expenditure the Dublin hospitals, without doubt, required some supervision. In Dublin the cost per bed was in some hospitals as low as 46*l.*, and in others as high as 90*l.* That was a stupendous difference incapable of explanation on any good ground, because it appeared that the cost of keeping the patient in the hospital which cost 90*l.* per bed was not materially greater than in that which

cost only 46*l.* per bed. In every hospital in Dublin the cost of the food, drugs, stimulants, nursing, &c.—*i.e.* of those items of expenditure which went direct to the patient—varied between 18*l.* and 21*l.* The entire margin between this sum and the 90*l.* which was the total cost per bed was due to establishment charges, including the salaries and perquisites of redundant and useless officials. The Dublin Hospital Sunday Fund had done a good deal, but had not devoted itself as it might have done to a comparison of the expenditure of the hospitals and the allocation of the fund in proportion to that expenditure. In London regard was had to the expenditure in making grants from the Hospital Sunday Fund, and he thought that was a very suitable method to adopt. The second thing that required scrutiny was the class of patients admitted to the hospitals. In London, as a rule, no steps whatever were taken to ascertain whether the patients were fit subjects for charity, and therefore thousands of people perfectly competent to pay for medical advice were treated as charity patients. Practically the only check on the meanness and dishonesty of such people was to keep them standing for a length of time in the waiting room; and were it not that this is generally done, the whole population would apply at the London Hospitals. A third point for scrutiny was as to the method of appointing the medical staff. In Dublin appointment by purchase still existed in some hospitals, but fortunately it was going out of favour, and he trusted the method would in a few years completely die out. There was also appointment for political reasons. He did not know what remedy to apply to that. There was also appointment by the medical staffs themselves; and this he regarded as highly improper, and it did not lead to the best selection being made. If the hospitals undertook to treat the sick, the best medical advice should be available. He did not agree with Mr. Peyton that the State had no right to intervene except it made grants. Where great public interests are involved, the State had a perfect right to step in; and it had a right to see that charitable money was properly appropriated; and when the State exercised the supervision that Mr. Burdett had suggested, it would not be confined to subsidised hospitals, but would extend to all charitable institutions, and thus those who gave the money would have a guarantee that it was rightly expended.

Miss Downing (London) said that nobody knew the mismanagement of hospitals better than she did; but could not a remedy be provided without rushing to the State? That never gave anything without taking power into its own hands. In the interest of the public generally the management of hospitals ought to be in the hands of their constituents—those who contributed the money to carry them on. As soon as the Hospital Sunday Fund was instituted they found the people taking an interest in the management of hospitals. In that way the question of management settled itself, and the public would manage their hospitals better than the State could do. It was not right that small donations should constitute governors for life. If the hospitals were under the control of the people who contributed to support them, anything which went wrong would soon be set right. It was supposed that the interference of the State with boards of guardians was for the

benefit of the public, but few guardians would be found who were of that opinion; as a rule they felt that they were hampered in every possible way by Government supervision. As a member of a board of guardians in London, she felt how they were hampered in not being able to dismiss a nurse without the consent of the Local Government Board. The proportion of the cost of a patient which was spent upon the patient personally would depend upon the kind of nourishment given; but with State supervision it was probable there would be an attempt to enforce uniformity of diet, which of course would be most injudicious. She hoped the Section would not endeavour to put hospitals under State control, but would rather support their being put under boards of management elected like boards of guardians and other local authorities. It would then be possible to get rid of abuses without any State interference. Let the voluntary hospitals be managed by the people themselves, and they would be benefited by the responsibility and the duty that would be cast upon them.

Dr. GRIMSHAW (Registrar General for Ireland), one of the Secretaries of the Dublin Hospital Sunday Fund, was strongly in favour of independent supervision for hospitals—whether it should be governmental or local supervision might be well discussed before the proposed Royal Commission. If there were such an independent body, such scandals as came before the public, and others which never came before the public, would not exist. There was already a Board of Superintendence of the Dublin hospitals; and in spite of its defects that Board had done a great deal of good by improving certain institutions under its supervision. The Board consisted of a certain number of gentlemen who were supposed to visit the hospitals and make an annual report to the Government. He would admit the Board did not work well, but that was because of its constitution, which was just one of those things that ought to be inquired into. Many of the reports of the Board were made to the hospital authorities and never came before the public. In the case of Steven's Hospital, Dublin, a report was made to it by the Board upon a certain matter which was set right, the result being that no such complaint could ever arise there again. He could mention several other like instances. This showed that there was some good in supervision. On the other hand, he knew of a hospital where there was, or had been, free communication between the small-pox wards and nearly every other ward in the hospital. Such a thing could not have occurred had there been independent supervision. Then as to the question of appointments in the hospitals, Dr. Jacob had said the appointments were sometimes sold, and that was so. In other cases where a Protestant or a Roman Catholic had vacated the appointment by death or otherwise, there were persons who contended that the vacancies should be filled up by persons of the same persuasion as the officer who had vacated; so that the best men were by no means always selected. In London, though the appointments were not sold they were often canvassed for—a plan which was utterly bad. None of these things could exist under a proper system of control. As to the matter of cost of hospitals, it was one of the greatest possible consequence. The expenses of management in Dublin hospitals were

enormous in some compared with others. An officer of the same rank in one hospital would receive double that paid for the same services in another hospital. He did not say that the larger salary paid was too much; but there seemed to be some great discrepancy. If they wanted a real independent supervision the State was the only authority. All local government throughout the United Kingdom required a strong central control to keep it straight. Miss Downing said that boards of guardians were hampered by the Local Government Board. Well, if all the boards of guardians were uncontrolled what would the rates mount up to? Boards of guardians afforded one of the best examples of the value of State supervision, and if they wanted their medical charities well managed they must have thoroughly independent supervision.

Mr. H. H. Collins (Honorary Secretary of the Department) thought there could be no question about the necessity of State supervision after the revelations they had heard. He happened to know something of boards of guardians of London, and however irksome Government control was, it was also of incalculable benefit to the ratepayers of the Metropolis. There was no knowing what crotchets the boards of guardians would carry out but for the controlling power of the Local Government Board. Probably Ireland was not an exception to this general rule. After what they had heard there could be no question that hospitals ought to be placed under State supervision. When the question was first proposed to the council the idea was not so much State supervision as State control—something very like Dr. Santa had mentioned in his Paper as existing in France where the Government would intervene in the case of such scandals as had arisen at Guy's, or in such a case as that of St. Thomas's, where the hospital could not be utilized to the fullest extent in consequence of the imprudent outlay made on the palatial buildings which had been erected. Had there been Government control such scandals as they had heard of would never have taken place. This was the purpose of the Papers that had been read; and he thought the Association ought to call the attention of the Government to the question and get an inquiry, so that the funds collected for hospitals should not be squandered in the manner they were all familiar with.

Dr. C. A. Cameron (Medical Officer of Health for Dublin) would be opposed to the complete management of hospitals or any other eleemosynary institutions by the State; but it was one thing to manage an institution and it was another to supervise the managers. All that was proposed in the Papers was that the hospitals should be placed under the supervision of somebody not influenced by the governors: and he was alogether in favour of that view. He would only refer to one hospital in Dublin, and there he knew that a good many members of the Board would be very glad to see some general supervision over their action, either by the Local Government Board, or some hospital Board meeting at stated periods like the present Board of Superintendence. They all knew the advantage which resulted from the supervision of the Local Government Board over the hospitals belonging to the Boards of Guardians. The Local Government Board took no direct

part in their management, but their inspectors visited the hospitals, and made careful inquiries into the management, and any defects were soon discovered. Supposing no such visits were made, would there not be many defects allowed to continue? They ought to be glad to have these defects pointed out. One case had come under his notice officially where in a certain Dublin hospital patients suffering from various forms of contagious disease were placed side by side. Under the threat of putting in force the powers given to him as medical officer of health, and prosecuting the governors, three different wards for contagious diseases had been provided in that hospital. He could come to no other conclusion but that some general control was required over all hospitals, whether receiving money from the State, the municipal corporation, or private sources. The State had the right to see that no body of persons should undertake the responsibility of curing people of disease unless they were perfectly competent to do it. In some hospitals there was bad ventilation, insufficient diet, appointment of officers on wrong principles. All these matters the State had a right to inquire into; and this was the only State amongst enlightened countries where a rigid inquiry into such matters did not take place. In Continental States lives were guarded with jealous care. Therefore, as they had a large attendance in this Section he thought they ought to come to some decision on this subject. He would therefore move:—

'That in the opinion of this Section it be recommended to the Council of the Association that they should take measures to promote an inquiry with the view of securing independent supervision over the administration of all public hospitals.'

Dr. Darby (Bray) was anxious to second the resolution, because he had been medical officer of one of the largest districts in Ireland for thirty-seven years, and he believed that some supervision was necessary, having derived great benefit from the supervision of the Local Government Board in his district, especially in regard to the appointment of men of intelligence and education.

The Chairman (Dr. Cameron, M.P.), in putting the motion, said that some valuable facts had been elicited in the discussion. There could be no doubt of the existence of great abuses in many hospitals; and those who could not agree to go to the whole length of State supervision would not object to a resolution asking only for an inquiry. As for the remedy, they were always safer not to commit themselves to naming the remedy till they had made inquiry; and therefore he thought the Section would do well to agree to the resolution which had been proposed. The resolution was put and carried unanimously.

NOTIFICATION OF INFECTIOUS DISEASES.[1]

Is it (a) *desirable that there should be a System of Compulsory Notification of Infectious Diseases; and, if so,* (b) *what is the best Method of carrying such a System into Effect; and* (c) *what is the best Mode of Enforcing the Isolation of Cases of Infectious Disease?* By W. H. MICHAEL, Q.C., F.C.S.

THE President of the Council of this Association, Mr. Hastings, M.P., at the close of last session, introduced into Parliament 'A Bill for the better Notification of Infectious Diseases,' which Bill was ordered by the House of Commons to be printed on July 27 last; and a Bill of a similar character, but applicable only to Ireland, had also in the earlier part of the session been framed and brought in by Mr. E. D. Gray, M.P., and ordered by the House to be printed on January 7. These Bills recite that it is desirable to provide for early notification to sanitary authorities of the occurrence of infectious diseases within their districts, and contain provisions rendering it incumbent on the medical practitioner, when there is one in attendance on the case of illness, to fill up and forward, by post or otherwise, to the sanitary authority of the district in which the house is situate containing the sick person, a certificate in a given form furnishing the requisite information. Where there is no medical attendant, then it is proposed that the duty should be cast on the occupier of the house, or the person in charge of the inmate, to forward the certificate; and a penalty is to be imposed for default, while a payment of half-a-crown is proposed to be paid to the medical attendant by the sanitary authority, who are, without cost, to furnish in the district blank forms of certificates. It is also intended by the British Medical Association to cause a Bill to be introduced into Parliament in the forthcoming session with a like object, but with this difference of provision, that in lieu of the medical attendant filling up and forwarding the certificate directly to the sanitary authority, it will be his duty, after so filling it up, to direct the occupier or person in charge to forward the certificate to its destination. It is hoped that the matter may be referred in the next session of Parliament to a Select Committee of the House of Commons, and that the whole subject may be thus fully investigated and the best means devised for accomplishing an object which a

[1] See *Transactions*, 1880, p. 608.

continually growing public opinion has shown to be eminently necessary. The diseases which it is thus proposed to be caused to be notified, subject from time to time to alteration at the instance of the Local Government Board, comprise small-pox, cholera, typhus, typhoid, scarlet, relapsing, and puerperal fever, diphtheria, measles, and erysipelas. There is no power to require such notification in any existing sanitary statute. The Public Health Act, 1875, does, indeed, deal with the subject in Sect. 84, but that only requires that the keeper of any common lodging-house shall give immediate notice to the Medical Officer of Health, and also to the Poor Law Relieving Officer of the parish or union in which the common lodging-house is situated, if any person is ill of fever or of any infectious disease. Beyond this, the 80th Section of the same Act gives power to the sanitary authority to make bye-laws for giving notices and taking precautions in the case of any infectious disease in common lodging-houses; and, further, there is a power lodged in the Local Government Board by the 90th Section to declare by notice published in the 'London Gazette,' with respect to houses let in lodgings, that that section of the Public Health Act is to be in force within any district or any part of a district of any local authority, and on and after the publication of such notice the local authority is to be empowered to make bye-laws for the giving of notices and the taking of precautions in case of any infectious disease. In the Canal Boats Act, 1877, 40 and 41 Vict. c. 60, the principle is further developed which underlies these provisions; for by the 4th Section of that Act power is given to the sanitary authority to take such steps as may be necessary to prevent the spreading of infectious disease when it occurs in a canal boat, and for that purpose to exercise the power of removing any person so suffering; and they may, further, detain the boat in which such disease has occurred; but no provision exists in the Act rendering it in any way compulsory on the person in charge of the boat to notify to the sanitary authority that such disease exists. The power of removal here referred to is contained in Sect. 124 of the Public Health Act, 1875, which provides that persons suffering from dangerous infectious diseases, without proper lodging or accommodation, or lodged in a room occupied by more than one family, or on board any ship or vessel, or who is an inmate of any common lodging-house, may by order of a justice be removed at the instance and cost of the local authority to any hospital or place provided by such local authority for the reception of persons suffering from such diseases.

These are the entire general enactments bearing on the

subject of notification of infectious diseases and their isolation, but several private statutes have been obtained by various sanitary authorities throughout the country having application only to their proper districts. In these private improvement Acts local authorities may require from the medical attendant or the person in charge of the case a certificate of the presence of infectious disease. It is strange that provisions of such a character should make their appearance in private Acts of Parliament outside and beyond the general law. What are the conditions in Bolton or in Leicester more urgently requiring the notification of the presence of infectious disease, other than those existing in Bristol, Manchester, or Dublin? Why should they apply up to the boundary of a borough, running through the middle of a street, operative on the one side, powerless on the other? If it be necessary for public protection that such knowledge as is here proposed to be given should be in the hands of a local authority, there can be no other limit than the whole kingdom; for whatever artificial boundaries we may choose to place between districts and authorities, it is certain that infectious diseases have not yet learned to respect them, and the good we may acquire by sweeping and garnishing our own houses will not prevent the evil spirits from stepping out of their own abodes to occupy ours. But we are in our laws and institutions eminently conservative, and it requires that we should, by experience acquired at great cost, learn the necessity of either change or progress before we can hope to impose it on the community.

It has been, therefore, necessary that individual towns should try the experiment for us, and that isolated examples should be forthcoming before we can hope that the Legislature will pass any general measure.

Even such enactments as the Lands Clauses' Acts and the Gas and Waterworks Clauses' Acts were prefaced in a similar manner and had a like origin. Thus we find, in the recitals to these Acts, these sentences: 'That whereas it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament (that is private Acts), therefore be it enacted,' &c., and so the general Act is passed into law. We may without hesitation in this case use the same formula and express in the strongest manner our opinion, whatever may be the weight attachable to it: That it is desirable, in the best interests of humanity, to pass without delay a general Act, for compulsory notification of infectious diseases, in order that local sanitary authorities may at least be made acquainted with the fact that these dreaded visitors are in their midst, and

that the responsibility may be thrown upon them to use the best means at their disposal to prevent the disastrous consequences of neglect and delay.

If it be true that the spread of infectious diseases may by timely measures of precaution be prevented—and ample experience has shown that they may in any locality be thus stamped out—it is clearly desirable that the earliest notice of their presence should be in the possession of the local sanitary authority. They are communicable from person to person by contact, and through the medium of the earth, air, and water. Isolation of the sick person becomes therefore not only desirable, but a duty—to prevent transmission of what may extend the disease, be it germ, particle, or whatever else is the source of the mischief, whether from the body of the sufferer directly, or through the medium of the dejections, or articles of clothing or bedding which have become infected. It may be that each of the diseases enumerated has a specific contagium, they may hereafter be proved to be capable of self-origination, or it may be that it is absolutely essential to the presence of the particular disease that it should, through one of the media before noted, be communicated directly or indirectly from person to person; but these are questions which, being beyond the scope of the present Paper, it is neither necessary nor desirable at present to discuss. But if children are allowed to go through the stages of virulent small-pox in a room used for the keeping of pledges, and in which 2,000 or more of the garments of the poorer class of people are stored, we cannot wonder at a sudden irruption of small-pox in a locality where such a state of things occurred entirely beyond the knowledge of the sanitary authority. If without let or hindrance the whole population of a village gratify their curiosity by visiting the son of the beer-shop keeper, suffering from small-pox, and removed from a neighbouring town to be nursed at home, we are fully prepared for the recorded results of such contempt of ordinary sanitary precautions. The inevitable result must be a large increase of illness, suffering, and mortality. The sanitary authority, if informed of such cases as these, might have taken steps to prevent access to the sick, might have ensured the safety of others, by causing through its officers the careful disinfection of all that had been in contact with the sick person. But it must of necessity be acknowledged that there is no virtue in notification in itself; it can only be valuable as means to an end. It would give timely information to the sanitary authority and its officers skilled in the best modes of preventing extension of preventible disease; it would direct

attention to the house and its surroundings; would enable the medical officer of health to afford welcome advice and assistance, now happily, to a great extent, freed from the jealousy of interference on the part of the medical attendant. Sanitary defects in streets and dwellings would thus be detected and removed, and a sure means provided for disclosing weak places in our fancied armour of security, and thus enabling remedies to be provided, and real safety attained.

Not less valuable would be the means thus placed at the disposal of the scientific officers to trace out the history and the causes, and learn the value of various measures as efficacious in stopping the progress of epidemics. How often in water, in milk, or some other medium, only discovered when much of the mischief had been done, do we subsequently trace the source of the contagion. At present our very ignorance of danger lulls us into a fancied security, where even a little knowledge would conduce to real safety.

These considerations, therefore, make it desirable that there should be at the earliest moment a notification to the sanitary authority of the presence of infectious diseases in their district. To be logical we should go further, and if we are assured that by the application of stringent measures we can prevent the spread of infectious diseases amongst a community helpless to protect itself, we should in the public interest overstep private considerations and provide for the compulsory isolation of such cases of disease. But we are not and we dare not be strictly logical in sanitary legislation, especially when it proposes to curtail and interfere with the personal liberty of the subject. We must not attempt to make our advances under cover of a syllogism. In this direction every step must be most cautiously taken. It is not sufficient that we ourselves are convinced that the enlarged power sought to be given to sanitary authorities is urgently demanded in order to protect the helpless from suffering. We must first have proved this to the public by teaching and experience brought home to them. The fuller demonstration must precede action, otherwise, in our anxiety to arrest preventible disease, we shall overshoot our mark and create such a storm of public disapproval as seriously to delay the good work of progress. We must, by slow and painful steps, impress our thoughts and our teachings, and their probable beneficent results, on the minds of the people before they can with safety be transferred to the pages of our statute books. And the public are not yet prepared to admit the desirability of giving to sanitary authorities the power to remove their children and friends to hospitals compulsorily in order to insure

isolation. We shall at present in vain urge that this is the true solution of the question. We must depend on persuasion and example rather than on force. If sanitary authorities, with the proposed improved information of the presence of infectious disease in their districts, use judiciously but firmly the powers they already possess, we shall at no distant period secure public opinion as our friend instead of our foe in advocating further methods of repression. Our present means may be well supplemented by the establishment of paying hospitals, or rather homes for convalescents; and increased power to sanitary authorities to employ and pay nurses in order as much as possible to isolate the healthy members of families from the sick.

But there are still some objectors both to the matter and manner of the proposed measure. It is said that keepers of schools, proprietors of large establishments, hotel-keepers and others will be unwilling to employ medical attendants for persons suffering from infectious diseases if certificates of the presence of such diseases are to be furnished to the sanitary authority. That medical men will object to the secrets of their practice being disclosed; that the medical attendant ought not to be called on to transmit his certificate directly to the sanitary authority, but that his duty should end when he has filled up the certificate, and handed it to the occupier of the house where the disease exists for transmission to the sanitary authority. That it would be a breach of confidence as between the patient and the medical attendant if the latter disclosed the nature of the complaint from which the sick person was suffering. That the carrying out of the proposal would injure medical practice, especially that of conscientious practitioners, and lead to the employment of persons ready to evade their legal responsibilities in the hope of securing an extended practice. That it would lead to deception as to the character of the disease. That it is not always possible to determine that a case is one of sickness of an infectious character. It might almost be sufficient to meet all these objections by the rejoinder that where the system has been in operation none of these fancied grievances have been practically found to exist, or to eventuate from the exercise of the powers granted to the sanitary authority of the district. It must be obvious from these and similar statements, they can hardly be called arguments, supposing them to have any foundation in fact, that it is desirable in order to secure the carrying out of the law, that it should be made in its operation as simple and direct as possible, and that the fewer the hands through which the certificate has to travel, the more likely is it to reach its destination.

With respect to the questions raised on the score of medical etiquette, it is worthy of remark, that much the same objections were raised when it was first proposed to require from the medical attendant a certificate of the cause of death for registration. It was then said that it would be a breach of confidence to betray the secrets of home-life in cases such as puerperal fever in unmarried females, and that the most serious injury might accrue from the knowledge of the presence of epilepsy in families. That medical men would be tempted to conceal the real cause of death, and that the registry would be valueless. At the present time we see the futility of these cavillings, and it would be now hard to find a single person to repeat these and a host of others of a similar character, which were at the time fully relied on as unanswerable obstacles to the proposed law. A little consideration will show that any supposed hardship to be inflicted on the medical profession is illusory: they are to be paid for filling up and forwarding the certificate a sum which is considered to be an adequate fee. Instead of betraying any confidence reposed in them by their patients, they will be only carrying out the obligation of the law, which when passed would form part of the contract between medical attendant and patients. Moreover, if any injury whatever is to be apprehended by the doctor, or any unpleasantness in relation to the certicate, it must surely be less when it is silently transmitted to the sanitary authority, without the intervention of the person in charge of the sick, rather than when, as is proposed by the objectors, it should be filled up and handed to such person, its contents explained, and an injunction given to forward it for dreaded publicity. It is believed that general, like particular, experience will demonstrate that all these fears and objections have really no solid ground on which to rest.

As to declining to call in medical assistance, it must be remembered that in such a case the duty still remains charged on the occupier to forward on his own account the certificate; and if medical assistance were declined on this ground and fatal consequences ensued, the person so offending would be liable to a criminal indictment for neglect. There are many other answers of a minor character that might be replied to these carping objectors, but they are hardly worthy to be discussed by this Congress.

It may well be that some possible private injury might be done by directing the attention of the sanitary authority to the fact that infectious disease existed in some particular locality. But private interest must give way before public necessity. It is a hardship when in the public interest we by our laws

interfere with labour or with trade, or take land compulsorily from private persons for public undertakings. But if the plea of private hardship were to be, or had been considered a bar, we should have had no railways or canals; we could not in many cases sewer our towns, or provide supplies of gas and water, or carry on any public enterprise.

Are those we love best, innocent children, delicate women, those whose resistile power is the least, and who the most require our defence, to continue to fall victims to small-pox, scarlet fever, and the whole array of these scourges of humanity and products of dirt and neglect, that we may continue to allow our garments to be manufactured, and our clothes to be cleansed, in company with virulent cases of infectious disease? That these should remain not only unchecked, but their presence absolutely unknown in our midst, is a disgrace to our boasted civilisation. Let this Association lend its most strenuous assistance to make impossible in the future the disastrous apathy of the past.

A Bill for the better Notification of Infectious Diseases.—1881.

Whereas it is desirable to provide for early notification to sanitary authorities of the occurrence of infectious diseases within their districts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. *Short title.*—This Act may be cited for all purposes as the Infectious Diseases Notification Act, 1881.

2. *Construction of Act.*—This Act shall be read and construed with the Public Health Act, 1875, 38 and 39 Vict. c. 55.

3. *Certificate of infectious disease to be sent by medical practitioner to sanitary authority.*—Any medical practitioner attending or requested to visit and attend any inmate of any building in the district of any sanitary authority suffering from small-pox, cholera, typhus, typhoid, scarlet, relapsing, or puerperal fever, diphtheria, measles, or erysipelas (or other acute infectious diseases, when included within the scope of this Act by order of the Local Government Board) shall immediately on becoming aware of the nature of the disease from which such inmate is suffering forthwith fill up, sign, and transmit, either personally or by post, to the office of the sanitary authority of the district a certificate in accordance with the form of notice contained in the schedule to this Act.

4. *If no medical practitioner, notice to be sent by person in charge.*—If no medical practitioner be attending on such inmate, then the occupier of such building, or if the occupier be incapacitated by ill-

ness the person in charge of such inmate, shall, so soon as he becomes aware that any such inmate is suffering from any infectious disease, forthwith transmit a notice by post to the sanitary authority of the district at their office as nearly as possible in the form contained in the schedule to this Act.

5. *Sanitary authority to supply forms for certificate.*—The sanitary authority shall supply gratuitously to every registered medical practitioner resident or practising in the district, and to every inhabitant, upon application, forms for the certificate by such medical practitioner or inhabitant, as the case may be, of the occurrence of infectious disease. *Fee.*—The sanitary authority shall pay to every registered medical practitioner who shall in accordance with this Act transmit any such certificate a fee of *two shillings and sixpence* in respect of the same; provided that not more than one fee shall become payable to the same medical practitioner for any certificate given by him in respect of any infectious disease occurring in the same building within thirty days of the date of the said certificate: Provided also that no fees under this Act shall be payable for the notification of infectious diseases occurring in workhouses, gaols, or public hospitals.

6. *Penalty for neglect.*—Any person neglecting to transmit any notice required by this Act shall be liable to a penalty not exceeding *five pounds*, to be recovered in the same manner as penalties under the Public Health Act, 1875.

7. *Sanitary authority to make enactment known.*—Every sanitary authority shall take means to make this enactment generally known by affixing notices of the contents thereof in all public places where such notices are usually affixed within the district of such authority.

8. *Act not to apply to Ireland.*—This Act shall not apply to Ireland.

Schedule.

Form of Notice.

Notification of Infectious Diseases Act, 1881.

'I hereby certify and declare, in pursuance of the above-named Act, that[1] living at No.[2] Street, is suffering from infectious disease, viz.,[3]

Dated the day of 188

Registered medical practitioner or householder, or person in charge, as the case may be.

To the sanitary authority of the district of ."

[1] Here state the name.
[2] Here state the number and name of street or description of house.
[3] Here insert name of disease.

On the Same.

By J. W. Moore, M.D., Univ. Dubl., F.K.Q.C.P.; Physician to the Meath Hospital, and to Cork Street (Fever) Hospital, Dublin, &c.

In an instructive and amusing address on 'Our Medical Literature,' delivered before the International Medical Congress at the recent meeting in London, Dr. John S. Billings, Surgeon in the United States Army, laid down four rules for the preparation of a Paper like the present. They are these: '1. Have something to say; 2. Say it; 3. Stop as soon as you have said it; 4. Give the paper a title.' I will endeavour to follow the first three of these excellent rules, but the fourth is not applicable, as a title has already been given to my Paper. Had I selected one myself, I would have omitted the third part of the printed title, as it is my intention to devote the short time at my disposal to the consideration of 'compulsory notification of infectious diseases,' and this, not because I fail to recognise the importance of 'compulsory isolation of those ill of infectious disorders,' but simply because the subject is too wide to be dealt with in a short paper.

(*a*) *Is it desirable that there should be a System of Compulsory Notification of Infectious Diseases?*

Before answering this question, a definition of *notification* is called for. Two things would seem to be necessary in the case of outbreaks of epidemic infectious diseases—first, *the immediate compulsory notification of such outbreaks to the sanitary authorities*; secondly, *the early registration of all cases of these affections, and the publication of the tabulated results at frequent intervals by the General Registration Offices of each division of the United Kingdom.*

Now, it happens that in the literature of the subject 'notification' and 'registration' have been used almost as synonymous terms, whereas they really mean very different things. If 'notification' is to be of any use in preventing the spread of epidemic disease, it must be timely, given without a moment's delay on the detection of the earliest cases of the outbreak. Also, it must be given to that body which is directly responsible for the public health—the Sanitary Authority, or to its representative, the medical officer of health. 'Registration' is quite another thing. It can be carried out more leisurely, and by an altogether different machinery. The units with which both notification and registration will deal

are indeed the same; but in the case of notification they will be used singly and at once, with a view of isolating disease, whereas in registration they will be grouped and classified, with a view to publication and as a contribution to statistical medicine, or rather 'Vital Statistics.'

Registration of infectious diseases is a corollary to notification, and must sooner or later follow the establishment of any system of the same.

It was lately my good fortune to hear Mr. John Simon summing up the views of many speakers in an important debate in the State Medicine Section of the International Medical Congress, of which section he was the distinguished President. The subject for discussion was 'Home Contagia.' Much had been said about the notification and registration of infectious disease, but more had been said about disinfection and isolation. Mr. Simon recalled the Section to the paramount importance of the former topic by quoting from Mrs. Glasse's Cookery Book (dating from the last century) that lady's quaint but apocryphal receipt for making hare soup, 'first *catch your hare,* and then skin it!' He justly observed that for disinfection and isolation to be of effect we must obtain early information of the outbreak, whereabouts, and nature of disease; and this can be effected only through an efficient system of notification.

At the present day, it appears almost waste of time to question the desirability of possessing such a system. Instances are constantly coming under the notice of hospital physicians in which scarlatina, small-pox, measles, and fever have spread far and wide, because the first case of illness, either through wanton neglect or in ignorance, was not isolated in due time. Some two years ago several cases of scarlatina were admitted into Cork Street Hospital in this city, from a tenement house in which a child had died of the disease and was waked. No medical practitioner had been called in to see the patient, nor was any report made to the sanitary authority until other children in the house had been attacked. At least two lives were lost in this instance, which is only one out of many which might be adduced.

Last August, within half an hour after entering a hotel at Ryde, Isle of Wight, my ears caught the well-known whoop of whooping cough, and a little investigation proved that a child suffering from this most catching complaint had been brought for change of air to the hotel, which was crowded, and in which the children of the landlord were resident. Would this have been tolerated, had a general Act for compulsory notification

been in force? Advisedly I use the words 'general Act,' for nothing can be more impolitic than the present system of piecemeal legislation which is granting widely differing powers to various local sanitary authorities. If it were only to put a stop to this state of things, the time has fully come when a universal and uniform system of notification is called for. When discussing the second part of the question I shall have more to say on this point.

On September 13, 1879, the Leicester Corporation Improvement Act came into force. This measure included provisions for the compulsory notification of infectious diseases by what is now known as the 'dual method,' that is by the medical attendant as well as by the head of the family or occupier of the infected house. And, by the way, the clauses in the bill seeking for such powers evoked a strong opposition on the part of the members of the medical profession in the town, and they petitioned Parliament against them on the ground that the provisions 'imposed upon them new and onerous and unnecessary obligations,' and that 'these obligations were inquisitorial in character, uncalled for, and likely to lead to endless mischief and complication.' Notwithstanding, the bill passed, and—as I have said—came into force on September 13, 1879. Scarlet fever was at the time rife in Leicester, and the sanitary authority at once used their new powers in the attempt to check the epidemic. The number of certificates of scarlet fever cases sent in during the last fifteen weeks of 1879 was 496, and Dr. William Johnston, the able medical officer of health for the borough, remarks that the acme of the epidemic occurred a week after the fresh powers for notification came into operation, much earlier than on previous occasions, while the deaths afterwards recorded afford, by their very uniformity, an unmistakable sign of a successful interference with the future spread and development of the disease. Dr. Johnston believes that in the last fifteen weeks of 1879 no less than 41 lives were saved to the town, and 287 homesteads were preserved from an invasion of scarlet fever through notification.

But, as an incontestable proof that the time has now arrived when notification is to be considered not only desirable but essential, let me refer to the published account of the proceedings which took place at the office of the Local Government Board for England on Tuesday, May 3, 1881. On that day a large deputation waited upon Mr. Dodson, M.P., the President of the Board, to urge that the Government should give effect, by legislation, to resolutions passed in the interests of public health by various bodies in London and the country,

for the amendment of the Public Health Act, and especially for the compulsory notification of cases of infectious diseases. The British Medical Association was represented by Dr. A. Carpenter, of Croydon, President of the Council, Dr. Farquharson, M.P., Mr. Ernest Hart, the editor of the *British Medical Journal*, and Mr. Francis Fowke, the General Secretary. The Society of Medical Officers of Health was represented by Dr. Bristowe, the President, and six other gentlemen. The Vestries and District Boards of London were represented by General Boileau, Mr. Watherston, and forty other gentlemen. The Social Science Association was represented by Mr. Hastings, M.P., President of the Council, Mr. F. S. Powell, Mr. Michael, Q.C., Mr. H. H. Collins, Hon. Sec., and other gentlemen, while Mr. Ernest Hart also attended as Chairman of the National Health Society.

After several gentlemen had spoken, Mr. Ernest Hart said that Mr. Dodson could now see, from the representations which had been made by that conjoint deputation, that there was a general agreement between the medical profession and the public as to the necessity of a compulsory notification of infectious diseases in private families. Mr. Hart had had the honour, some time ago, of addressing Mr. Dodson's predecessor —Mr. Sclater-Booth—on the same subject; and Mr. Sclater-Booth held that, though it was important, at that time it had not entered into the 'realm of practical politics,' or of 'practical statesmanship,' and he told the deputation which waited upon him that before anything could be proposed by the Government, or carried by Parliament, the public must be educated in the ideas which Mr. Hart then put forward in support of his 'model clause' for the notification of infectious diseases. Mr. Hart thought that it must be apparent to Mr. Dodson, and to 'practical statesmen,' that that step had been surmounted—that the public mind had been sufficiently educated on the question to render the matter ripe for the 'realm of practical politics.' He pointed out that there were present the representatives of the local governing powers of the vast population of London, and they had unanimously agreed to resolutions which showed that the education of the public on the matter had advanced so that the necessary preliminary, in the opinion of Mr. Sclater-Booth, to proposed legislation had already been reached.

Viewed as a problem in political economy, there can be no doubt as to the paramount importance of ascertaining the actual sanitary state of a population at any given time. Can this be done satisfactorily save by an effective system of notification and registration of disease? Difficulties, no doubt,

stand in the way of carrying out this great work, but they are not insurmountable; and the fact that several European Governments have long since inaugurated and prosecuted such a system should encourage us in essaying to follow their example. In the vanguard of progress in this direction the Scandinavian nations occupy the place of honour. Nor should it be forgotten that even in the United Kingdom the notification and registration of epizootic infectious diseases is already in force—a fact which cannot but be regarded as a strong argument in support of the necessity for, and the practicability of, notifying the infectious diseases which assail mankind.

But these are all considerations of State policy, and affect not so much the individual as the community at large. What shall we say as to the bearing of notification of infectious diseases upon the home-life? With all reverence, let us speak of such affections as 'preventable,' and if they are preventable how best can they be warded off? Surely, by timely warning of the threatening danger. My heart bleeds as day after day I see in the wards of our epidemic hospitals the fever-stricken victims of sanitary neglect, and in our general hospitals the still more miserable survivors of the pestilence, dying a lingering death from one or other of the dread sequelæ of scarlatina, measles, or typhoid fever. Yes, it is fully time for the State to insist that the presence of scarlet fever in a dairy shall be made known to the sanitary authority and the medical officer of health at the earliest opportunity; that the occurrence of a case of typhoid fever shall at once attract attention to the drainage of a dwelling-house; that a child suffering from whooping-cough shall not be brought to a hotel for change of air; that parents shall not send their children 'peeling' after scarlet fever or measles to a public school; that, in a word, early and accurate information as to the origin and whereabouts of disease shall be obtained in order to protect the healthy from its attack. Let light—the light of knowledge, be thus thrown upon the paths of the 'pestilence that walketh in darkness,' and who will venture to estimate the gain to the health and therefore the happiness and welfare of mankind?

(*b*) *What is the best Method of carrying into Effect a System of Compulsory Notification of Infectious Diseases?*

On all grounds it is most desirable that whatever system of notification is finally adopted shall apply uniformly to the whole country. Nothing can be more detrimental to the success of notification than to have it carried out by different

methods in different places. And it is just because so many local authorities are at present obtaining powers for notification—powers differing in nearly every case and intended to be put in force by very different machinery, that national or imperial legislation on the subject can no longer with safety be postponed.

Let us consider what methods of notification have hitherto been suggested or adopted. It is quite clear that in any given case the only persons who can be looked to for accurate information as to the occurrence and nature of disease are, first, the medical attendant; secondly, the person in charge of the patient, or the head of the family, or the occupier of the house in which the sick person lies.

Notification by the medical attendant may be *direct* or *indirect.* Under the former plan a medical practitioner, called in to see a patient, is *bound*, as soon as he recognises the disease to be infectious, to notify the fact to the sanitary authority; according to the second plan, under similar circumstances it becomes his duty to inform the person in charge of the patient or the head of the family, verbally, or by written certificate, what the disease is and that it is infectious, and the person so informed is then bound to forward the information with as little delay as possible to the sanitary authority.

Notification by the person in charge of the patient, or the head of the family, or the householder, may be made independently of the attendance of a medical practitioner.

There is another method of reporting which is called the 'dual method,' namely, notification by the occupier of the infected house to the sanitary authority, an independent certificate being sent to that authority by the medical attendant.

All these various methods, more or less modified, are now in force. I will not, however, delay to enumerate the towns which have sought powers to compel notification according to one method or another, but will hasten on to consider in some detail the merits and demerits of each system.

I. *Notification by the medical attendant directly.*—This would seem to be the best and simplest plan of all. A medical practitioner is called to see a patient, whom he finds suffering under fever, measles, scarlatina, small-pox, or diphtheria. Having satisfied himself as to the correctness of his diagnosis, he fills up a certificate, and an accompanying block to be retained in his own possession, and with the least possible delay transmits said certificate by hand or post to the sanitary authority, from which body it is proposed that he should receive a fee.

Now, what has been or can be said against this plan? In

the first place, it is alleged that any such proceeding on the part of a medical attendant would be a direct violation of the confidential relations existing between a patient and his physician, and a gross breach of medical etiquette. This is a somewhat illogical objection. Surely it is for the client and not for the physician to pronounce what is a violation of confidence, and this question is not raised at all if the medical attendant notifies merely in compliance with the provisions of an Act of Parliament. Before such an Act is passed, it is reasonable to suppose that the sense of the constituencies of the members of the House of Commons on the subject of compulsory notification by the medical attendant will have been pretty accurately gauged, and it is for the heads of families composing those constituencies, and for the peers who sit in the hereditary chamber, to declare if any violation of confidence is implied in the notification of infectious diseases by the medical attendant by withholding their assent to the principle of the proposed measure.

There is, however, a more rational and consequently a far weightier objection to direct notification by the medical attendant. If there is no obligation on the householder to notify, he may—knowing that the medical attendant must notify—delay to call in a trustworthy man, or resort to some quack or irregular practitioner, who will find a way to evade the law. This is not unlikely to happen among dwellers in tenement houses, the very people we wish to reach by notification, and in the lighter forms of infectious diseases, which are well known to be the most dangerous of all to the community. This objection cannot fail to carry weight when the whole question comes to be publicly discussed; but it may be met by the introduction of a clause into the Act of Parliament, as suggested by the King and Queen's College of Physicians, providing that if no medical practitioner be attending on, or has been called in to visit, a patient suffering from an infectious disease, *the occupier shall procure the certificate of a registered medical practitioner as to the nature of such disease.*

II. *Notification by the medical attendant indirectly.*—This is the plan which has received the sanction of the British Medical Association. It is proposed that the medical attendant, on becoming aware of the infectious nature of the case, shall inform the person in charge or the householder, who shall at once communicate with the sanitary authority.

Even with this modified plan the medical profession is apparently not satisfied, unless the information be given only *verbally* to the person in charge of the patient or the house-

holder. And yet, can we believe that the system would work unless a *written certificate* is filled up by the medical attendant and formally handed to the proper person, who shall then forward the information, again in writing, to the sanitary authority?

The great objection to this plan is—loss of time. In a case where every moment is of value, hours or even days may elapse before the person in charge of the patient or the anxious fretted head of the family may recollect that it is his duty to inform the sanitary authority. Should this method be finally adopted, there is, however, a plan by which this objection can be to a great extent surmounted. This I shall presently mention.

III. *Notification by the person in charge of the patient or the householder*, so far as I can ascertain, has not been adopted exclusively in any town. At Birkenhead and Reading it is proposed to have direct notification by the medical attendant; but if no duly qualified practitioner has been called in, the duty of notifying devolves upon the occupier or other responsible person having the control of a house. This plan, as has been pointed out by Mr. Ernest Hart,[1] is open to the objection that, if a person knows that by calling in no medical assistance he can better conceal the existence of infectious disease in his house, he is likely to neglect or delay procuring such advice.

Some of those who feel so keenly for the tender susceptibilities of the medical profession, and who are so jealous of its supposed 'rights' and 'privileges,' are in favour of notification by the householder alone. They maintain that the physician's duty should begin and end with a simple declaration to the householder or person in charge of the patient as to the nature of the malady—in fact, the medical attendant need not open his mouth unless he is asked the question, 'Is the disease infectious?' How worthless such a system would be those can best judge who are accustomed to attend the sick among the labouring and artisan classes, in tenement houses in the lanes and alleys of large cities.

IV. There remains the *dual system of notification*, according to which both medical attendant and occupier are obliged to give notice to the sanitary authority, independently of each other and in all cases. There are two grave objections to this plan. First, the system is unnecessarily complex, and will probably lead to confusion at the office of the sanitary

[1] Report on 'Local Legislation as to Infectious Diseases,' *Brit. Med. Journal*, March 12. 1881, p. 375 *et seq.*

authority, for the information will not reach the office from both sources simultaneously. Secondly, I know of no method which is more calculated to bring the medical attendant into unpleasant relations and even conflict with his patient or his patient's family; for, should the householder omit through negligence or design to notify, the medical attendant's certificate will be used to convict him—a proceeding which can hardly fail to provoke bad feeling.

These, then, are the proposed methods of notifying the occurrence of infectious disease. It is now necessary for me to state which plan I consider would be most feasible and most efficient. I have already said that direct notification by the medical attendant is the best and simplest plan. It has been tested in the case of Edinburgh, and Dr. Littlejohn, the medical officer of health of that city, assures me that so far it has worked admirably. There has been no protest from the medical profession, and no householder has felt aggrieved. Still, in face of the opposition of the profession, and because there is a tangible objection to it, I am prepared to give up this plan in favour of a modified system of indirect notification by the medical attendant through the householder (Method II.). For the modification I am indebted to my friend, Dr. G. Purcell Atkins, the resident medical officer of Cork Street Hospital.

Let the medical attendant, on recognising that a case is infectious, fill up, *in writing*, a certificate, stating the name of the patient, his residence, and the nature of his malady, and let him hand this certificate to the responsible person in charge of the patient, who shall then forward the information contained in the medical certificate to the sanitary authority. At the foot of the certificate the words '*No immediate attention is required*' may be printed, so that when the certificate goes forward the sanitary authority need not send their inspector to a private dwelling-house, for instance, unless the word 'No' has been erased. This plan is adopted in Edinburgh, and has given complete satisfaction. So far this is indirect notification by the medical attendant, but how do we ensure that the responsible person will at once forward the requisite information? In this way. Immediately on receiving the message, let the clerk of the sanitary authority or the medical officer of health acknowledge its receipt to the attendant physician. Should the last named not get the acknowledgment within twenty-four, thirty-six, or say forty-eight hours, let it be his duty to forward a duplicate certificate to the sanitary authority. No doubt delay will occur when the householder

neglects to forward the information, but no system can be regarded as perfect, and the instances of neglect of duty on the part of the householder will probably be comparatively few, because he knows that, should he omit to send the notice, the medical attendant will have to notify—a contingency which is to be avoided if possible, as there will be a substantial penalty to which the housekeeper will render himself liable by his neglect. Also he can have no grievance against the medical attendant, who in the first instance does not move in the matter at all.

Only two or three points now remain for consideration. And first, it is fitting and just that the medical profession should be adequately recompensed for the great service rendered to the State by any system of compulsory notification of infectious diseases. To offer a member of a learned profession *one shilling* in return for an important public service is an injustice and an insult. If the information obtained by compulsory notification is worth having, it is worth paying for; nor is there any reason in law or equity why a physician should not receive a *guinea fee* for his certificate of notification, as he does for a certificate of lunacy or for a certificate of death handed in to an insurance office. This question of fee is, I hold, the great and only grievance of the medical profession in connection with compulsory notification. It should not be left only in the hands of a local sanitary authority, but should be met by an annual Treasury grant in aid of the expenses incurred by the local authorities.

Secondly, what diseases should be notified? Small-pox, scarlet fever or scarlatina, measles, among the exanthemata; typhus, typhoid, and relapsing fever, among the continued fevers; puerperal fever, erysipelas, diphtheria, whooping-cough, and cholera (including cholerine, or English cholera), should certainly be included in the schedule to the Act of Parliament. Moreover, the Local Government Board of each division of the United Kingdom (called the 'Board of Supervision' in Scotland) should be empowered to add to the list 'any contagious or infectious disease' represented to be dangerous by one or another of the three Colleges of Physicians.

And here, *en parenthèse,* I would refer to the absurdity of mentioning 'scarlatina *and* scarlet fever,' as if there were two different diseases known under these names. In England, indeed, there is a prevalent idea that scarlatina is a mild and harmless affection, quite different from scarlet fever. But this is a misleading and most mischievous popular error, not

to be countenanced for a moment. Practical physicians know that it is the very mildest cases of scarlet fever (the so-called 'scarlatina') which are most dangerous to the public health. The phrase should run 'scarlatina *or* scarlet fever.'

In conclusion, I would earnestly commend the topics with which this Paper deals to the thoughtful consideration of all who desire to aid in that humane and Christian work which it is the province of preventive medicine not only to undertake but to fulfil.

A Proposal obviating some of the Difficulties connected with the Compulsory Notification of Disease. By STEWART WOODHOUSE, M.D.

THE question of compulsory notification of infectious diseases is an outgrowth, or rather an advance, in the progress of centralisation. The consolidation of the Poor Law Board into the Local Government Board, and the establishment of sanitary authorities, are proofs that the public regard disease as a circumstance that concerns the community as well as the individual; and, above all, the success which has attended State interference in guarding against the spread of cattle epidemics has naturally led to the belief that the occurrence of an infectious illness is a matter of more than private interest.

To meet this growing conviction a proposal was last session submitted to the House of Commons, whereby medical practitioners in this country were bound to notify to the sanitary authority the existence of each case of infectious disease they were called in to treat. It is not my intention to venture upon any criticism of the measure as it stood, nor to recount whether somewhat similar schemes that have been adopted in certain towns in England and Scotland have worked satisfactorily or the reverse. As the matter stands, the proposal has met with strenuous opposition from the medical profession as a whole. Whether they are right in interpreting public opinion as averse to the declaration in public offices of such a family concern as infectious illness or not is beside the question. Rightly or wrongly, nine-tenths of Irish medical men believe that their supplying statistics in this way would offend their patients, jeopardise their practice, lead to false certificates, the concealment of illness, and other abuses. Nor have any modifications yet proposed been much more welcomely received. To require the medical attendant to hand

to the householder a notification which must be by the latter sent on to the sanitary authority they regard as adding the element of inefficiency to the objectionable one of breach of confidence. Believing, therefore, that it would be disastrous to force a duty to which they were utterly repugnant upon a body of men who would be the chief machinery in carrying out the measure, and at the same time recognising fully the importance of the end aimed at, it is the object of this paper to hazard a *modus operandi* which might be practicable, because on the one hand it would supply all the information really required, and on the other it would avoid intrusion on individual privacy.

Supposing that what is commonly known as Mr. Gray's Compulsory Notification Bill were to become law, what information would the sanitary authority get from the receipt of Dr. A.'s certificate that B., living in C., was ill of an infectious disease, to wit D.? All the information they would get in the first instance would be that there was a case of infectious disease, and that the patient's name was B. The sanitary authority would then have to consider from their knowledge of B.'s circumstances and surroundings (which knowledge they would have to get as best they might) whether B. was so situated that he could be properly treated without any undue risk of spreading the infection to the other inmates of the house. Now it may be presumed that in the great majority of cases, if B. belonged to the well-to-do classes, he would be safe from the visit of the sanitary inspector, and that the sanitary authority would only take action upon the medical attendant's certificate in cases where B. dwelt in a crowded neighbourhood, or in a tenement house—*i.e.* where they had reason to doubt whether the isolation of the patient was sufficient. This—the question of isolation—is the main object of any Notification Act, and it remains now to show how it may be approximately arrived at without, in most cases, any declaration of who the patient is.

Briefly, then, the proposal is that every registered medical practitioner, on being summoned to a case which he finds to be one of infectious disease, shall be required to notify to the sanitary authority that there is a case of infectious disease, to wit, ——, in the locality of ——, and that at the date when this certificate is written the room occupied by the patient is inhabited by no one else save the attendant on such patient. For urban sanitary districts the term of locality employed should be 'street' or its equivalent, such as square, place, road, avenue, adopting the municipal designation. Where one or more houses not standing in a street, &c., have not any

municipal name given to them, they shall be said to belong to the street, &c., to which they are nearest. For urban sanitary districts the townland would seem the best heading, but these are matters of detail that could be elaborated afterwards. *Exempli gratiâ*, the certificate required from the medical attendant will be after the following type:—

> *I have to-day ascertained that a patient of mine, residing in [Fitzjoy Square], is suffering from an infectious disease, to wit, [scarlatina], and that the room occupied by the patient is now inhabited by no person other than the patient's attendant.*
>
> *Date*_____ _____

The blanks to be filled in are simply the locality, the disease, the number of persons other than the attendant inhabiting the room, and the doctor's name and date. The only point requiring explanation is the number of persons inhabiting the room other than the sick person's attendant. By 'inhabiting' is meant using for sleeping or living purposes. Now if at the time the certificate is filled in there is no person except the attendant inhabiting the room, there is as much isolation ensured as there would be if from the name and address of the patient the sanitary authority were to conclude he was in comfortable circumstances. The main fact which the sanitary authority would seek to get at in case a measure such as Mr. Gray's were adopted would be how far are the people in the house or immediate vicinity exposed to the infection; and the sanitary authority, in deciding whether an inspection of the house should or should not be made, would have to rely largely upon guesswork; whereas in the plan thus proposed they would have the information direct, and from the most responsible source, the medical attendant.

But if, on the other hand, the certificate states that the patient's room is inhabited by more persons than the patient's attendant, the sanitary authority shall then have the power to require from the medical attendant the name and address of the patient, for purposes of inspection of premises, of removal of patient to hospital, of disinfection, &c., as may seem fit.

Form of further certificate to be required from medical attendant in cases where he had not certified that patient's room was inhabited only by patient's attendant:—

> *I certify that* _____ *living in* _____ *is suffering from an infectious disease, to wit,* _____
>
> *Signed*_____
>
> *Date*_____

By patient's attendant is meant whosoever takes charge of the sick, whether mother, professional nurse, &c. If two nurses are employed, or a nurse and mother, this could be specified on first certificate.

It may be objected that after all the above retains the obnoxious element of breach of confidence in disclosing professional secrets; that it would be virtually a piece of class legislation, inasmuch as the names of dwellers in tenements, *i.e.* of the poor, would be liable to disclosure, while their richer brethren's would not. This is in a measure true, but it must be remembered that the cases in which the patients' names would be required to be furnished are just the cases in which for the common interest the sanitary authority should intervene. Moreover, the very notion of protection of the poor involves class legislation of this kind. The regulation of common lodging-houses, the visitations of tenement-houses by sanitary inspectors, the provisions in the Public Health Act by which infected persons without proper lodging may be removed to hospital by order of the justices, are as much entitled to the designation of class legislation. As a matter of fact, most of these cases, inasmuch as they are seen chiefly by the dispensary medical officers, are sent to hospital in the sanitary authority's fever cab—that is, the names are reported to both the sanitary authorities and the hospital authorities. So that in cases where the medical officer would be called upon for the name of the patient, whose room, he has stated, is shared by more than the patient's attendant, he is not asked to furnish more than he does now under the existing system.

Another objection may be made, viz. that valuable time would be lost in this roundabout mode of reporting infectious illness, since two additional posts would be necessary ere the sanitary authority knew the name and address of the sick person. This must be admitted to be, as far as it goes, a valid objection, but its force is lessened by the considerations, first, that in large centres of population such as cities, where notification is most desirable, posts are frequent—*e.g.* in Dublin more than twelve hours need never be lost by this delay; and, secondly, there is less danger of infection spreading in the beginning of most infectious illnesses than in their height or decline. A provision might be added for the rural districts, that where an epidemic was threatening to be formidable the guardians, with the consent of the Local Government Board, might require medical practitioners to send in Form No. 2—that is, to supply name and address along with Form No. 1

when the patient had not a room for himself and his attendant. Third, it may be said that the circumstance whether the room is inhabited only by the sick person and his attendant is a very rough criterion of the necessity for inspection by the sanitary authority. To this it may be answered that it is rough, but that it is better in practice than would result from the reporting of the name and address, as in the latter case the sanitary authority would only inspect when the house was presumably deficient in means of isolation—*i.e.* they would have to act by guesswork.

It may be fairly claimed that a scheme such as the above possesses all the advantages of compulsory notification as previously understood without involving its obnoxious features. To the medical attendant it is equally as easy; he has only to mention the locality, and the fact whether the room is or is not inhabited by more than the two people, nor is he involved in any invidious position with reference to his patient, as the name can only be revealed in cases in which it is revealed at present without any compulsory notification whatever. Those of the public who can treat their sick without letting them become sources of danger will run no risk of having their names returned; those who cannot do so cannot complain if the community takes this reasonable mode of securing its own welfare.

For purposes of general utility the plan indicated above would serve all the objects of that promulgated by Mr. Gray. The topographical distribution of disease is far more important than the social. The sanitary authority could in each district keep a map, and, as each case of infectious disease was reported, mark it down against the street, &c., it was certified to have occurred in. At the end of the year the map so marked would be a very suggestive index of the healthy and unhealthy parts of the district. The present Registrar-General for Ireland, in a *brochure* on fever-nests in Dublin published by him some years ago, illustrated his letterpress by some very useful maps of this kind. It is easy to see how a knowledge of a street-distribution of disease may suggest its cause, so that the evils due to defective main drainage, tainted milk or water supply, saturated subsoil, noxious manufactures, may be more readily discovered.

Nothing has been said on the question of fee payable to the medical attendants for the certificates to be required of them, as, if the public are satisfied that a system of notification is desirable, and that it can be carried out without prejudice to family comfort, a question of detail such as that of remunera-

tion to its executive officers will not be a difficult one. It might be suggested that for the certificate testifying to the isolation of the patient no fee should be paid, inasmuch as patients of this kind are presumably pay-patients; but that where name and address are required by the sanitary authority, a fee should then be payable, as the great majority of these are unremunerative to their medical adviser.

DISCUSSION.

Dr. JACOB (Dublin) said that having been for twenty-two years editor of the only medical periodical published in Ireland, he was acquainted with the feelings of the profession, and with the progress of sanitary laws since their inception in Ireland, and he had given much attention to the question of the notification of infectious diseases. He regretted that he had to assume a position of uncompromising antagonism to the system of notification proposed in the Papers, because this was the first occasion on which he had found it necessary to separate himself from those sanitarians who had worked and were still working for the improvement of the public health. But with reference to the Papers read he could go much further with them than he had anticipated. He agreed as to the advantages to be gained by a notification of infectious diseases. He did not quarrel with the principle of notification, but with the proposals that had been made to carry it into effect. Some kind of notification was no doubt earnestly to be desired; and great public injury resulted from a want of notification. But he asked the Section to pause before giving assent to a proposal which in its working would be inquisitorial, arbitrary, and inconsistent with the liberty of the subject. The act of notification would involve a considerable sacrifice for the public weal, and it would come just at a moment when public weal was least thought of, and when public duties were most irksome, and when the heart and mind were occupied with the question of the life or death of dear ones; and he therefore thought the duty of notification should not be imposed unless convincing arguments were shown for its absolute necessity. But it was the consequences which would follow on the act of notification to which he desired specially to call attention. Under the Public Health Act of Ireland, the consequences which would fall upon the patient or the occupier of the infected house were very serious indeed, because by the 137th section of the Act the sanitary authority might compel the cleansing of the premises; the householder would be fined 40*s.* if he did not do it; the authority might seize and carry away the bedding without leave of the owner, and forcibly remove to the hospital those who had not proper accommodation. A penalty of five pounds might be inflicted upon any persons who exposed infected articles for sale, or who sent to school within three months a child suffering from infectious disease. All these precautions might be necessary, but the inconveniences arising from them were nothing at all as compared with

those which would result from the propositions which sanitarians now advocated in connection with this proposed notification. Nobody having any regard for the liberty of the subject could tolerate the proposals of the sanitarians in this respect. The latest Bill on the subject was that promulgated by the Corporation of Salford, which gave the Corporation power to close schools and places of public resort situated *in the neighbourhood* of an infected house; to close dairies and public-houses and places for the storage or sale of clothing or provisions or any other article. The Corporation might declare any house to be an infected place, and no person might exercise any indoor occupation in it which necessitated the handling of food or bedding. No bedding or clothes might be removed from such house, and no person would be allowed to work in the same room with other persons until a period of disinfection had elapsed. If such provisions were applied in Dublin to the tenement-houses in the 'Liberties,' where as many as seventy persons occupied a house, the Corporation might step in and forbid any single person in that house either working in that house or elsewhere, and might stop the daily bread of the people in that house, and reduce them to a state of penury in consequence. These proposals were not made in the Papers which had been read, but they were instances of the vagaries of sanitarians, and if those vagaries were encouraged then even an enlargement of the stupendous powers sought to be given to corporations might be looked for. Now as to the details of the measures proposed; he believed that the proposed system would defeat the purpose for which it was intended. The effect, he submitted, would be to *cause* a concealment of disease, and to *increase* a dissemination of the infection. He felt sure that would be the effect of such a Bill in Dublin. He felt so because at present the citizens owed any safety they had from the dissemination of infection to the acts of the medical profession. If the child of an artisan in the 'Liberties' was sick of scarlet fever the medical man felt it his duty now to advise the father how to act, and not to allow the child to come in contact with other persons, or he would persuade the father to send the child to the hospital. Then and there the sanitary work was done; the case was isolated and the public protected. What, however, would happen if they put the onus of notification on the physician? The custodian of the patient, fearing the application of the very stringent provisions already referred to, would then have a direct inducement to avoid calling in the physician till the latest moment, well knowing that the next thing to calling in the physician would be a notice from the sanitary authority, a process of white-washing, a disturbance of domestic arrangements, and, in the case of schools, hotels, and shops, such publicity of the infection as would involve the ruin and destruction of the persons owning such businesses. Some heads of families might take the larger view of the matter, but the great majority would allow the disease to fructify till the last moment in order to avoid the calling in of the notifying doctor, and the immediate intervention of the sanitary officer. Thus the effect of notification by the doctor, instead of getting rid of the centre of infection, would be to create such centres all over the sanitary district, and thus to disseminate infection. This was not

mere speculation; it was a statement of what actually did occur. The Corporation of Dublin had themselves admitted that medical men were excluded from the sick house in consequence of the interference of the sanitary authority which followed upon notification. It was a matter of fact that the dispensary medical officers of Dublin, being servants of the sanitary authority, did, by order of the sanitary authority, make to it a notification of infectious disease. Those medical officers, without exception, declared that they were excluded by certain classes of the population from the treatment of infectious diseases, because it was well known by such classes that the dispensary doctor would have to notify the existence of the disease. In their stead private practitioners were called in, who treated the disease and said nothing to the sanitary authority about it. Moreover, inasmuch as no one save a qualified and registered medical practitioner was to be compelled, under these Bills, to notify, the inevitable result would be that patients who objected to publicity would employ the services of quacks and unqualified practitioners. Dr. Jacob, for all these reasons, maintained that the effect of these proposals would be to destroy the existing voluntary sanitary arrangements, and give nothing in exchange of a sufficient or satisfactory character. He looked in vain for any statistics furnished by the advocates of these propositions, that in towns where a compulsory notification had been adopted there was less concealed disease than elsewhere. From a medical point of view he desired it to be known that the medical profession did not resist the proposal solely from self-interest. They resisted it because they felt that it was inconsistent with the feeling of the population at large; because it would do harm instead of good; and because they felt also that the professional confidences acquired in the sick-room ought not to be publicly used without the consent of those who made such confidential communications. This latter was, he held, a perfectly legitimate objection. This was the first occasion on which the profession had been called on to give to the public the information which they obtained confidentially; and both the public and the profession ought to stand out against such a proposal. Suppose he (Dr. Jacob) were called in to a case of scarlatina, and that he gave information to the sanitary authority, and that the patient felt himself aggrieved by it, it was obvious that he would never be called in again to attend any case in that house, but some practitioner of less tender conscience would be called in on the next similar occasion who would be careful *not* to see that it was a case of infectious disease, but would call it nettle-rash, or by some other innocent name rather than imperil his fees; therefore the effect would be to throw the treatment of such diseases into the hands of practitioners of doubtful morality. This would be such a serious flaw in the proposal as would make it unworkable; and, moreover, it was not a proper thing to submit the peace, the honesty, and truthfulness of the medical men to such a trying test. The proposal would affect the profession in a variety of other ways, but he did not wish to found his objection on the inconvenience to the medical profession. It was not judicious or wise to promulgate a Bill which met with the uncompromising hostility of those who would be entrusted with its administra-

tion. When this question arose he was told he had no right to speak for the medical profession, and in order to put the opinions of the profession in Ireland beyond doubt he had sent out to them 1,300 circulars of inquiry. He had received 800 replies, of which 792 were dead against the medical man taking any part in written notification to the Public Health authority, and eight of them were in favour of one or other of the modifications of the proposals which had been submitted. The branches of the Irish Medical Association in Belfast and Cork had pronounced against the measure; the Colleges of Physicians and Surgeons had pronounced against the measure; and he asserted that the medical profession had pronounced against it; yet it was now proposed to force the medical profession to carry out the Bill. The Bill must fail for that reason alone, and he therefore thought that it was inexpedient to press forward these propositions.

Mr. Hastings, M.P., said he never knew of any good public measure to be brought forward but it was asserted by its opponents that some of the most evil consequences would follow. He had, however, generally found that if such measures did not produce all the good claimed at the outset for them, they did not, on the other hand, produce all the evil that their opponents had prophesied concerning them. He could not help believing that that would be very much the case with a measure like that under consideration. Precisely the same arguments as were now used in reference to the notification of infectious diseases had been urged against the registration of deaths. He would like to see the medical man who would come forward and say that the registration of deaths had been a source of evil. The inhabitants of Salford, Edinburgh, Greenock, and Scarborough, who had in operation local Acts enforcing the notification of infectious diseases, should have been good judges of their own interests, and it was strange that their town councils would pay for the passing of those Acts—which in each case cost several hundreds of pounds—if they did not regard them as of great public benefit. He had learned from the medical officer of Bolton, where this proposal was also carried into effect, that 1,700 cases of zymotic diseases had been notified in that borough. The medical men there were most loyally carrying out the Act, and it had been of incalculable benefit. If there were any provisions in the measure now proposed that were inimical to the public welfare they would be pointed out during the passage of the Bill through Parliament, and if the local Acts already passed had proved beneficial, surely it would be well to extend the benefit to all, by passing a Bill applicable to the whole country. In Edinburgh such a measure was at first objected to, but now the medical profession and the public were unanimously in its favour, and the medical profession were perfectly satisfied with the reduction in the amount of epidemic disease in consequence of its provisions. He was certain from the information he had received that wherever the compulsory notification of disease had been brought about under wise principles, it had diminished a large amount of infectious disease and saved valuable lives and prevented suffering of both adults and children. If he might presume to give a piece of advice to the medical profession, he would implore them not to take an

isolated or what must be deemed by the public a selfish position in the matter, but to look only to the public good and to fulfil the high and holy mission of their profession—to prevent the spread of disease.

Mr. E. D. Gray, M.P., said that as he introduced the Notification of Diseases (Ireland) Bill, which had been referred to, he wished to say a few words. Dr. Jacob had asserted that he represented the opinion of the medical profession on this question. He distinctly challenged that assertion. How was it that he (Mr. Gray) came to take action in the matter? Last year, when he was Lord Mayor, a deputation, which included all the leaders of the medical profession in Dublin, waited on him, without any solicitation on his part, and requested him to take steps to have the important subject of the notification of infectious diseases dealt with. The College of Surgeons was represented on the deputation by its president and many of its leading members; the College of Physicians was also represented; and the Registrar-General was present. Dr. Jacob had said that he issued 1,300 circulars to medical men. But Dr. Jacob would not misunderstand him when he said that a query sheet might be drafted in such a form as to get the answers which the persons issuing it desired. Dr. Jacob's query sheet commenced by saying that 'there was imminent danger of the Notification of Diseases Bill passing, although the "Medical Press"'—which meant Dr. Jacob—'had repeatedly exposed its defects.' On the other side was a not very favourable or even impartial summary of the Bill, and a statement that it was altogether objectionable both on public and professional grounds. This was the query sheet from which an impartial opinion was to be obtained! One of the objections it put forward was that the fee offered for notification was altogether objectionable and derogatory. That was, of course, a matter of detail which could be remedied. Dr. Jacob seemed to be an opponent of the principle of notification altogether. (Dr. Jacob—No, no.) Mr. Gray said he was glad of that. They had, then, a consensus that some form of notification was desirable. Let them start from that point. Was the duty to be thrown upon the householder or the medical man? He framed his Bill on the principle of requiring the medical man to give the information, because he held that infectious disease was very much like a fire. If notice of it was not received at once it could not be dealt with. While the medical man was serving the householder, and the householder the sanitary authority, the valuable time during which the disease could be effectually coped with would be lost. As regarded the wealthier classes the Bill would, in fact, not touch them at all. What had occurred in other places? Take Edinburgh, where the Act had worked with beneficial effect, and the death-rate had been largely reduced. The notice which the medical man served on the sanitary authority had on it the words 'attention is not urgently required.' If the patient were one who had ample means of treatment at his own house, the certificate went in that form and the sanitary authority practically took no action in the matter. If the patient were of circumstances of an opposite character the word 'not' was struck out. If a Compulsory Notification Act were in force in Dublin, all the notice the sanitary authority would take of cases of patients in affluent circumstances would probably be to send word that they could get linen washed more

safely than at a public laundry. But if the case occurred in a poor tenement, of course, the sanitary authority would pay attention to it at once. On the other hand, if the system were adopted of making the medical man serve notice upon the head of the household, the latter might be an ignorant or illiterate workman who would not give information at all. Yet it was in tenement dwellings that these diseases were chiefly ripened. In Dublin the dispensary medical officers, who were also sanitary officers, were required by the Corporation to give notice of all cases of infectious diseases, and they did so. This had been very much more stringently carried out within the last twelve months than before. In 1880 the death rate from zymotic diseases was 11·85; in 1881 it had fallen to 1·66. The decrease was no doubt due to a considerable extent to the disappearance of the small-pox epidemic, but he claimed a portion of it as the result of the system of notification he mentioned. If it were made the duty of all medical men to give the notification in question, there would be nothing invidious in it. As to the argument based on breach of confidence, he could not comprehend it. There might be something disagreeable in a registration that a man had died of *delirium tremens*; but surely there was nothing disgraceful in an attack of small-pox or scarlatina. He framed his Bill to apply to all Ireland, because the effect of different systems in England had been mischievous. But in every town in which compulsory notification had been introduced, nothing but good had resulted in practice.

Dr. C. A. Cameron (Medical Officer of Health of Dublin) thought the arguments which had been brought forward by Dr. Jacob against the proposals contained in the two valuable papers had been so completely refuted by Mr. Hastings and by Mr. E. D. Gray that there was really little more to be said. He rose simply because he believed he was the only person present who had had any practical acquaintance with this subject at all. Dr. Jacob, though eminent in his own branch of the profession, had had but little to do with the administration of the sanitary laws. The subject could best be discussed by those who had been engaged, as he himself had, in carrying out sanitary laws. Dr. Jacob had admitted that the principle of notifying infectious diseases was desirable. If this was admitted, it remained only to decide in what form notification could best be carried out with the *maximum* of good. Dr. Jacob had denounced any kind of interference with the liberty of the subject. Every law must to some extent interfere with the liberty of the subject. If it did not do that it never effected any good at all. There would be two classes of persons interfered with if the Bill of Mr. Hastings became law. Infectious diseases chiefly made their appearance in the houses of the very poor, and sometimes the deaths from these diseases amounted to 40 per cent. of the whole mortality. A year ago 40 per cent. of the mortality in Dublin was caused by zymotic disease. When the population was being decimated in this way by diseases which all sanitarians admitted were capable of control, were they to be prevented from grappling with the evil by any of the petty considerations urged by Dr. Jacob? The question as to breach of the confidence between doctor and patient had been disposed of

measles was selling toys to other children. An occurrence of that kind would warrant the public in shutting up that toy-shop. The aspect of the medical man being injured in his profession by notifying disease came under the same category, and therefore he dismissed it at once. As to the question of confidence, the secret to be disclosed was not the medical man's secret at all. It might be a breach of the secret of the patient; but if the patient was willing his secret should be disclosed, the medical man had nothing to do with it. In the case of registration of deaths, the cause of death was reported, but it was not a secret, as anyone might ascertain the entry for a shilling. The medical profession he agreed, ought to be properly paid for these duties under the Act. Hitherto a great many duties had been put on them, for which they had not been properly paid. A fee of one shilling was totally inadequate. There was, however, a more important point in connection with notification than the mere publication of statistics. It was of the utmost importance that the notification of disease should be communicated from one town to another. Glasgow ought to know immediately if small-pox had broken out in Edinburgh; Dublin should be at once advised if small-pox broke out in Liverpool. Most of the epidemics in Dublin originated in cases introduced from Liverpool. This was a point that was considered at the International Medical Congress in London, and it was thought to be one of considerable importance; and he hoped that a clause providing for this intercommunication of intelligence would be introduced into any Bills brought before Parliament. The efficiency of the notification system had been proved beyond doubt, in the places where it had been put into operation. An objection had been made that the system might prevent people calling in medical men; but he did not believe it would increase the objection which already existed among ignorant people. A few people might endeavour to conceal the disease, but the benefits conferred by notification would be so great that it was not worth while to take this objection into consideration, as it would soon disappear if the offender was brought up to the police court and fined 40*s*. for concealment.

Dr. Chaplin (President of the College of Surgeons, Dublin) said the medical men were not opposed to the notification of infectious diseases, but they differed as to the means by which it should be carried out, and that was the result of a full and deliberate discussion in the Irish Medical Association, which was composed of medical men connected with the dispensaries and the poor law. Also at the British Medical Associstion, the notification of diseases was universally endorsed; but there was a division of opinion as to how it should be carried out. The opposition to the proposals was not on account of the fees, which were inadequate, but solely in regard to the position that medical men would be placed in with respect to their patients. In regard to the operation of the Acts, it must be remembered that the labouring population of Ireland were not so well educated as the same class in England, and such a duty cast on medical men in Ireland might be viewed with great jealousy. Moreover many medical men were under the control of the dispensary committees, and local boards

of guardians, and in certain circumstances notification might give offence. In the case of cattle disease, the farmer had to give notice to the police, and then an inspector was sent. Why not in the case of infectious diseases make the owner of the house give the information to the sanitary authority? While he was most anxious to see an Act for the notification of disease, yet if the medical officers in Ireland were compelled to carry it out, he believed it would lead to the people concealing the disease by the employment of persons who were not very careful in the wording of their certificates.

Miss Downing (London) said she represented the 'Vigilance Association for the Defence of Personal Rights,' an association in London. It was to be hoped that the time would come when everybody would be so well educated as to know the danger of infectious diseases, and then the theories now advocated might be carried out; but she feared that time would not arrive for a considerable period, and therefore she concurred with Dr. Jacob that if the Bill were passed it would lead to the concealment of disease. It would certainly affect injuriously large business houses and the persons employed in them who, on the appearance of a probably infectious disease, would be sent adrift. But was there any proof that this Act had caused any improvement in the death-rate of the towns where it had been put in force? Then she objected to the Act because it would give the Local Government Board or the Government power to send a medical practitioner to visit any district where small-pox prevailed. Who would entrust such powers to the Government? If the sanitary authorities wanted to do something, let them see that the water supply was wholesome and the drainage properly made. If her children were ill she would not call in a medical man if she thought he would go and notify the disease. She strongly protested against any such interference with the private arrangements of the people of this country.

Mr. H. H. Collins (Hon. Secretary of the Department) thought that Miss Downing's speech showed the necessity for such a measure as that now proposed. The fact which she mentioned, that tradesmen would decline to give information which might ruin their business, showed that the principle of the Bill ought to be carried out. Almost every one present must be able to give instances arising out of their own experience showing that the present law required some modification. He knew of a case of a hydropathic establishment where the attendant of the baths was found to be suffering from small-pox. When the medical man made this discovery the attendant ran away, and the proprietor of the baths disappeared also. Here was a case whereby perhaps a hundred customers might have been infected. The public ought to have some protection, and if the doctor who made the discovery in the case he referred to had done his duty, even under the present Act, he would have given notice to the medical officer of health, who would have seen that necessary precautions were adopted. Another case he knew of where a large baker had four or five children suffering from scarlet-fever, yet the father and mother were serving in the shop. Such a thing could not occur if a law were passed as had been suggested. He was told that it was only by a 'fluke' that

the Bill as applied to Edinburgh was passed, and that it took the medical profession of that city by surprise. At first there was a great outcry, but the Act had been found to be attended with the happiest results, not only in the diminution of zymotic diseases, but in that of others likewise. In the fifth annual report of the Board of Health of the city of Wisconsin, U.S.A., there were instanced some remarkable results of a similar Act in operation there—quite as remarkable as the results attained in Holland. He would read a few extracts:—

'The city charter empowers the Commissioner of Health "to forbid and prevent all communication with any house or family infected with any contagious or infectious diseases." It also requires "each and every practising physician in the city to report in writing to the Commissioner of Health every patient he shall have labouring under any pestilential, contagious, or infectious disease under twenty-four hours after he shall ascertain or suspect the nature of such disease." The Commissioner writes that "at the beginning of my administration in the spring of 1878, I notified to the practitioners of the city that the above provisions would be rigidly enforced. Half a dozen prompt prosecutions convinced the profession that the Health Department was in earnest. One quack, unable to give bail, lay in jail till the day of his trial. One haughty and fashionable 'doctor' was driven on the trial under cross-examination to swear that he had no diploma, and was a mere pretender. Physicians are gratuitously furnished with postal cards, on the back of which a blank is to be filled, showing the name of the patient in full, sex, nationality of parents, parents' birthplace, number and street, ward, age, married or single, disease, and date. It requires but a brief time to fill out this blank at the bedside. The card is dropped into the first letter-box which the doctor passes after leaving the house, and is sure to reach the health officer within a few hours. As soon as reports of contagion come in, notice is immediately sent to the public and private schools in the neighbourhood of the infected houses, as also to the public libraries. Public funerals are strictly prohibited in case of death by contagious diseases. Circulars are left with families at time of placarding the houses, giving full directions for the hygienic management of the different infectious diseases. The advice is generally gratefully received and adopted."

'The advantages of the system may be briefly stated: 1. It enables the health department and the public to know every day in the year the exact number of cases of infectious diseases in the city, and their precise location. Rumour and sensational exaggeration in regard to the prevalence of contagious maladies which are liable to alarm the people needlessly, can be corrected by facts. 2. The exact percentage of mortality is constantly known, revealing the severity or mildness of an epidemic. 3. The system affords especial means of studying the conditions under which contagious diseases flourish, or to what extent they are influenced by sanitary surroundings. 4. It diminishes the spread of contagious diseases by protecting large congregations of children at school, by preventing exposure of the living at public funerals, by revealing to all who can see and read the places where disease may be caught.

'The difficulties of carrying out the system are considerable, but not insuperable. The majority of educated physicians are ready to co-operate: to the credit of the profession it must be said that no one has raised the question of fees for reporting cases of contagious disease. At the present moment an unseemly discussion of that question is now going on in Great Britain.

'The card and order are passed to the secretary for registration and indexing, and the house is at once placarded by a placard 14 inches by 11 inches in size. Small-pox is indicated by a bright yellow placard; scarlet fever by a lead-coloured placard, and so forth. If the same be removed without authority a fine of 25 to 50 dollars is inflicted. At first the people objected to having their houses placarded as a violation of personal liberty. A little argument convinced reasonable citizens that no man has the natural or acquired right to expose his neighbours to deadly contagious disease by concealing it in his own house. Many were beyond the reach of argument, but when the alternative was placed before them of quietly submitting to the placarding process, or of being subjected to absolute quarantine in their houses, a law-abiding community submitted, and to-day the system of placarding, if it were left to an election, would receive an overwhelming majority of votes in its favour. The system is supplemented, as it should be, by a pest house, to which the sick with contagious diseases who have no homes are taken. With an efficient system of placarding and isolation, it is more economic, more human, if not safer, to leave patients who have homes under the care of their families and friends. To force away children from parents, from brothers and sisters, and parents from children and from one another, for the purpose of isolating infectious disease exposes the public by transportation of the afflicted, diminishes the chances of recovery, outrages the unreasoning affections, and invades the sanctity of the home. Sanitation must reckon with her unalterable instincts of humanity, and restrain itself within the boundaries of reasonable endeavour.'

From what every one knew of the Irish character for kindness and consideration, it need not be feared that the medical officers of health would not carry out the Act with gentleness and sympathy. The publication of an exact statement of the truth would prevent exaggerated reports in the case of an epidemic, and would prevent that migration of people which in some parts of London took place when local newspapers represented an epidemic as much worse than the real facts would justify. The report from Wisconsin was worthy of attention, as illustrating a state of facts which existed also in this country, and of which they had heard from Mr. Ernest Hart, and from places like Jarrow, Edinburgh, Salford, Bolton, &c. The question was whether Dublin would not copy the example of Edinburgh and other places where the Act had worked, and was working so well and beneficially.

Dr. Norwood (Dublin) said the question of personal liberty which had been raised was decided long ago—under the civil law of Rome, which decided that the liberty of the subject should yield to the benefit of the public. Another maxim of law-makers was that the

liberty of a man must not be used to injure his neighbour. All our Acts of Parliament in regard to social and medical administration were so many interferences with personal liberty for the benefit of the community. With regard to the injury that might be done by notification to tradesmen, schools, &c., he believed concealment would do greater harm, because the unknown always assumed greater dimensions until the exact truth was stated. One such case of death would be multiplied into a dozen. It would be, therefore, better for all that the medical man should notify the existence of the disease, not by nailing it to the market-cross, but by taking such measures as were necessary to prevent the spread of the disease. He thought Dr. Chaplin and Miss Downing could not have read the proposals before they criticised them. We were out of the region of hypothesis, and on the solid ground of experience, as ascertained in Edinburgh, Scarborough, and Bolton. Dr. Chaplin's reference to the 'Contagious Diseases (Animals) Act' did not apply, because there physicians were not employed. No medical man was called in, and the farmer, necessarily, was bound to give notice. There was no analogy between the two cases. The medical man, acting under the Dispensary Committees, found no difficulty in carrying out the provisions of the Public Health Act with respect to the prevention of the spread of contagious diseases. Everyone who had spoken against the modest Bills of Mr. Gray and Mr. Hastings had admitted the principle of both. The only question that remained was, how best to carry it out. Who was the person who could give the most authentic statement? Evidently the physician in charge; who would give an honest statement of what the disease was, and what was necessary to be done, and the sanitary authority would place the necessary appliances at the disposal of the patient and his friends. If the patient was a poor man he would be removed to the hospital to prevent the spread of disease among his neighbours. That was a sacrifice of personal liberty, necessary for the preservation of the health of the whole district. He desired to say that the Public Health Act included means for removing persons from being the subject of 'wakes,' but there was a serious omission in the clauses for the prevention of the spread of contagious diseases, which, while enabling a magistrate to remove a person suffering from a contagious disease to the hospital, did not enact that the hospital authorities should detain the patient under treatment until recovery. If that clause was to have any effect, the hospital authorities ought to have the power of detention.

The Rev. J. Carre (Dublin) thought that if the doctor was called in to the infectious case and had to give the notification, he might be regarded as the immediate cause of injury to the family. Such a notification might cause the ruin of a whole household. If the public insisted on notification they should at the same time find means for remunerating persons for any loss, in the same way as compensation was given to farmers for their cattle destroyed. The rich and poor should be treated alike, and if private houses were under inspection hospitals ought also to be under inspection, as he had known instances of the windows of small-pox hospitals being thrown open abutting on the public highway.

Mr. S. Compston (Manchester) said they were all agreed that there was need for notification. Public interests must override individual objections. It should not be looked at as a question of fees. In Lancashire it had been suggested that the workers in an infected house should remain at home, and that the Board of Guardians should compensate them for their loss of work, and he perfectly agreed that that should be done. Some notice should be given also to persons about to occupy a house where infectious disease is present that the disease exists; and notice should be given to persons visiting such houses. He instanced the case of a death through small-pox, and owing to the absence of notification no less than eight families were infected. The public ought to claim that notification should be made.

Dr. Davy (Dublin) said the object in view was the saving of life. He had had considerable experience as a physician in Ireland, and was aware of the desire that existed on the part of some people to notify disease, and of the contrary desire on the part of others. He believed that if a law were made that a person suffering from a contagious disease must, by himself or his physician, notify it to the authorities, the people in the country districts in Ireland would not call in a physician till the patient was dying. That would happen through a desire to save themselves from the penalty of the law; and meantime the disease would spread. During the epidemic of cholera, in 1866, in the town of Sorvido, people concealed the disease until the patients were in a state of collapse, because they feared removal to the epidemic hospital that had been provided. In regard to what had been stated by Professor Cameron, he wished to say that the 147th section of the Public Health Act required the removal of a small-pox patient to a hospital, if the medical officer certified that the patient was in an unsuitable place.

Dr. Moore in reply, said, in reference to the proposal of Dr. Woodhouse, that if medical men were only to notify that disease existed in a certain street or square, without giving particulars, such a proceeding would encourage an objectionable class legislation, and it would involve great delay, without securing any compensatory advantage. The sanitary authorities might possibly have to call at fifty or sixty houses instead of at one. In reply to Miss Downing, he might say that it was not proposed to notify an infectious disease until it was actually ascertained to exist. As to Dr. Jacob's objection to the whitewashers, it ought to be known that under the present law the sanitary authority might send their disinfecting cart round and whitewash any house in Dublin. If there is a statute book all should try and make it a real one. He had in his practice considered it a duty to notify infectious cases, and he had been invariably thanked by the heads of families for doing so, on account of the help afforded by the sanitary authorities in regard to disinfecting and other matters. A great deal of sentimentalism had been introduced into the discussion by the opponents of notification, but hospital physicians must see the need of some such legislation. The College of Physicians had taken the trouble to amend Mr. Gray's Bill, and concurred in it as amended. They were much more practical than Dr. Jacob, who, while approving of the

principle of the Bill, objected to one and all of the methods proposed for carrying it out. Dr. Jacob feared that if a medical man notified a case he would not be employed again by the patient, but the objection was groundless if all medical men were obliged to notify. It had been said that unworthy members of the medical profession would be employed, but he did not believe there were many unworthy members, and he did not fear their employment. He thought there was a concensus of opinion in favour of early legislation on the subject of compulsory notification, and that such legislation should not be local but national and imperial.

Dr. Jacob said he was in a position to state that the Colleges of Physicians and Surgeons had not, as asserted, expressed any approval of the present proposals for notification. He had seen the public observations of both Colleges, and they approved of notification only on condition that it would not interfere with the relations between patient and physician. That amounted to a condemnation of the proposals put forward in the Papers which had just been read, and of the Bills of Mr. Gray and Mr. Hastings. He believed the medical profession approved of notification by the householder, but not by the physician.

The President (Dr. Cameron, M.P.) said the discussion had been interesting and important. The result of the compulsory notification of epizootic diseases had shown that, properly followed up, contagious diseases could be stamped out; but whether compulsory notification of similar diseases in mankind would be attended with the same result might be doubted, since in many places there was no machinery for acting on notification. In London, for instance, there was not enough hospital accommodation during the recent comparatively trifling small-pox epidemic, and hundreds of cases were refused admission. In such cases notification must be useless. On the other hand, where proper machinery existed for dealing with the disease, great good could be done, as in Glasgow. He thought that before Parliament would consent to too much in this direction it would require some exhaustive investigation. He agreed that some law for the notification of disease was urgently called for. As far as the medical profession were concerned the State had a right to exact certain public duties from them in return for the monopoly which the State gave to them. In epizootic diseases the principle of compensation was introduced, but in connection with human diseases it could hardly be applied. In matters of this kind they must carry the public with them. But whatever legislation might occur it should take place only after investigation. The enforcement of the law would be another matter. To confer upon local boards exceptional powers which they did not want, would simply lead to the law remaining a dead letter, and he was inclined to think that the question would be most satisfactorily dealt with by a general enactment, the adoption of which should, at first at least, be left optional to the local authorities in each locality.

OVERCROWDING OF DWELLING HOUSES.

Is any further Legislation desirable in order to more effectually prevent the Overcrowding of Dwelling-houses?—By the HON. FREDERICK RICHARD FALKINER, Q.C., Recorder of Dublin.

I TRUST this Paper will owe no apology to the Congress if it treats the question of overcrowding chiefly from our Dublin view point. Even as a branch of Social Science the subject is perhaps one in which generalisations may be perilous, so vary the local facts in our great towns and cities. There is overcrowding and overcrowding; sometimes it is in densely built districts of cities otherwise open, sometimes in the houses and rooms of open quarters whose acreable house-average is not large. Remedies possible elsewhere may be impracticable here; what is financially possible for Glasgow or Birmingham may here be out of question; what is structurally adaptable to inland Manchester may be unsuited to Dublin or Liverpool – cities by the sea. They therefore may not least contribute to the general knowledge who study the cases of individual towns, comparing them, where they may, with the experiences in others, for in each there are generally some things for the rest both to imitate and to avoid. At any rate the subject has been so forced upon us here, where for years we have yielded to nowhere in death and crime, that many have hailed the coming of this Congress, if only as an occasion for ventilating our urban grievances, and for this reason alone would have asked you to come over here and help us.

For the current history of Dublin is a tale of two cities, a city of splendour and a city of squalor; diverse as the poles; save that the denizens of the splendid are now and then reminded that the squalid lies nearer than the antipodes by invasions from its strongholds of the zymotics, and the dread recordings of the Registrar-General. In the alarm and puzzle consequent upon the chronic supremacy of the death-rate a royal inquiry was some time since demanded. Some said it was all the Anna Liffey, others even hinted it was the Vartry, some said it was the geology below the city, others with more justice that it was the immigration of country invalids. Many, however, thought we need look neither below the surface nor far afield, with our disproportion so glaring, as compared with other cities, of poor rooms to homes of comfort, of public houses to private ones, of ill-fed children and depleted families, victims

of the chronic liquefaction of the weekly earnings. So a Royal Commission was granted to Mr. Rawlinson, C.B., of the English Local Government Board, and Dr. F. MacCabe of ours. They sat on fifteen different days in the autumn of 1879; with the utmost solicitude they examined nearly seventy citizens most qualified to inform them, whilst minutely inspecting the city and its surrounding for themselves. Here are some of the conclusions in their very able report.

'The city of Dublin in 1879 contained 23,830 houses; of these 9,760 were occupied as dwellings let in tenements, and it appears from the evidence of the executive sanitary officer, that of houses of this description occupied by more than one family, 2,300, containing an estimated population of 30,000 persons, are in a condition which renders them unfit for human habitation, and some are not worth the expenditure which would be necessary in order to place them in a proper state, and to provide the requisite sanitary appliances.

'These 9,700 tenement houses when first erected were arranged each for one family, now they are divided and subdivided, and let in flats and single rooms from basement to attic, and as stated in evidence one house being made to serve for seventy-eight tenants. This degradation of houses is, it is now clearly shown, at the root of most of the excess of disease to be found in Dublin. It is not in defective sewering, defective paving, defective street-scavenging, or in the polluted state of the river Liffey, so much as in these horrible room tenements, which exist to the direct injury of more than 100,000 of the poor inhabitants, and at the indirect charge and direct money loss of the entire community. The poor people who overcrowd these tenements and pay the pittance of 6*d.* or 1*s.* 6*d.* per week for their room buy misery very dearly, in loss of wages through sickness and suffering. The evidence in this report tendered by leading physicians, medical officers, and others, all points to similar causes—overcrowding, filth, foul air, drink, sickness, beggary, and pauperism. Public sanitary works and main sewers will be of little avail if these tenement houses are left in their present neglected condition, without a proper supply of water, and utterly without sanitary accommodation. These rooms and their surroundings in Dublin are now so indescribably wretched and foul, and have, from want of legal powers and funds, been so utterly neglected that there is a very wide margin for cheap, available, and effective improvement. The ruinous houses must be closed, the better class houses must be put under supervision and daily regulation as in Glasgow and Edinburgh, and the external premises and yards must be recon-

structed, paved, and regularly scavenged by means of a fully organised staff of municipal scavengers. There must be no such thing as private ownership in accumulated refuse, nor any private scavenging, but this must be one work by one establishment, which through its labours day by day, week by week and month by month, shall cleanse every portion of the city public and private.'

No surprise all this to those who had seen the city from another stand, the experience in the city court; the ejectments and indebtedness; the penury, quarrelings, drunken thefts, and violent assaults that made the crime rate of Dublin supreme as the death rate and city judge and officers of health to coincide. Some time before the publication of the Report an unusually shocking session compelled me to write to the Lord Mayor thus: 'But there are four typical classes of city crime to which I would specially invite your Lordship's notice now. These are—1, Crimes of violence by the roomkeepers; 2, Robberies in the streets, with violence, for the purpose of obtaining drink money; 3, Larcenies by employees for a similar object; 4, Mob violence to the police in preventing arrests. These four I have grouped, not merely as characteristic of the city, but because I believe they flow from the same original—the misery of the homes and habits of the poorer working-classes. As it is said that consumption, neuralgia, bronchitis, and scrofula have the same basis of a depraved constitution, so these four social diseases have the same basis of a degraded humanity. Life is not a lovely thing in the squalid room of the squalid tenement house, of which in this city we have streets and quarters full. Here home happiness can be only through good conduct and self-denial; usually the only joy of life is strong drink, bought at the cost of what would make the home habitable. No other relaxation or excitement is open to these habitants, and some excitement human nature ordinarily must have. Thus, the mother who might be the blessing of her poor circle, the comfort of her poor neighbours beneath the same roof, becomes an unsexed virago, dealing terror and mutilation around her; the father seeks his solace in the public-house or beer-shop, and the deficit in the week's wages for rent and bread must then be supplied by purloining the master's flour sack through confederacy of fellow workmen made sharers in the spoil; the children, passing an unchildlike childhood, take prematurely to the streets. Early flinging off a parental control which never brought them grace or good, they grow up precocious corner boys, prowlers at the gin palaces, ready for every mischief, and if not apprentices to

the convict burglar, quite prepared to supplement their precarious labour by open assaults on home-bound workmen, and thus there is developed through the city a debased out-of-door existence through which the policeman moves, making his arrests in the midst of hundreds akin to his prisoner, through whom he must often fight his way with a gallantry which in fair battle would earn the Victoria Cross.'

In the two years before last the Dublin crime was equal to that of all the rest of Ireland; last year it was one-third of the whole, with thirty-one times its due proportion of base coin utterings, and fifty times its proportion of larcenies from the person. Dr. Hancock, the recorder of these dreadful figures, suggests an increase of our city police; but our present force is very numerous, very costly, and its members efficient and faithful, beyond praise. Later in this Paper I offer some reasons for urging that the ordinary duties of our constables on patrol should include the enforcement of our sanitary law and consequent inspection of our poorer quarters, necessarily the haunts of crime as well as disease.

Dismayed at these pictures some say—'Abolish these tenements utterly, get a special Improvement Act like the Glasgow Act of 1866, and build for the people from the ground.' But so radical a change is neither possible nor requisite. These 9,000 houses cover miles of brick and mortar, and are broadcast through the town. The rebuilding would be of a whole city, not of a quarter; there are many thousands invested in these houses, such as they are, and it would be unwise and unjust to efface when we may practically change their faces. Nor even for wholesale reconstruction is special legislation needful, for Sir R. A. Cross's Act of 1875, framed partly on the lines of the Glasgow Local Act, has ample powers hereto. Under it, five years since, twelve diseased areas were doomed by Dr. Mapother, then our Medical Officer of Health, and this sentence if executed, would give space enough; one area only has been cleared, at a cost of thrice the original estimate and a five years' delay; due to the greed of owners and loose liberality of traverse jurors, less educated for public life than in Glasgow and Birmingham, whose authorities the private owners met half-way. Our corporation have been forced to set for 200*l.* a year what cost 25,000*l.* to clear, and naturally hesitated to proceed with the other areas, though one of these is now taken in hand. The clearances in Glasgow and Birmingham, though first devised as remedies for overcrowding, are in truth great street improvement projects which the large taxable wealth and vast-growing force of these cities made feasible; but one

day's view of these and one day's of Dublin may convince that what they did we cannot do: here the working-classes live in scattered quarters; our taxable area is but 600,000*l.* a year —against three millions in Glasgow—and we can always buy building spaces voluntarily for far less than we can compulsorily clear the cheapest one, whilst the corporation already own considerable property more or less available for the matter in hand. What we need rather than the sole application of Cross's or any special Act is to apply all our existing power to the conditions of this multifarious old city, whose localities are as variegated as its shades of social life, whose precedence oft perplexes our amiable Ulster king. In a committee at the Mansion House, preliminary to this Congress, we prepared a critical summary of present legislative powers, indicating the stronger and weaker points, and suggesting practical amendments. The group of provisions is threefold. Those for the clearing of unhealthy areas (Cross's Artisans' and Labourers' Dwellings Act 1875, with the Amendment Act of 1879[1]); those directly relating to the supply by the civic authority of dwellings for the working or poorer classes (Labouring Classes Lodging Houses and Dwellings Act 1866[2]); and those for enforcing by authority the reparation of city houses and the execution of structural and sanitary improvements (Artisans' and Labourers' Dwellings Act 1868, known as Torrens' Act, and its Amendment of 1879, and the improvement clauses of the Public Health Ireland Act 1871[3]). We have scope for all of these, I think. It is only fair to observe that this entire code stands to the credit of Conservative Governments. I say this, of course, not as a political hit, but rather *pour encourager les autres*, and if the gentlemen who have now the upper hand can effectually better their rivals' work, and help us with the needful amendments and Governmental loans, many old Tories, I know, will rejoice in their success. The Act of 1875, if not universally applicable, may still be most usefully employed by degrees to others of the condemned areas as the citizens learn to take interest in these things, and may be used in combination with some street improvements sadly needed which on a partial scale we may afford. The valuing tribunal should, however, be a public arbitrator, and not a jury, and the machinery of the Act might otherwise be simplified. But the remaining miles must be dealt with in the way indicated so practically by the Royal Commissioners: the individual houses whose fever-sopped

[1] 38 & 39 Vic. c. 36; 42 & 43 Vic. c. 63. [2] 29 & 30 Vic. c. 44.
[3] 31 & 32 Vic. c. 131; 42 & 43 Vic. c. 64; 41 & 43 Vic. c. 65.

walls are incorrigible, must be suppressed; the singly improvable must be improved; whilst those singly unimprovable, which grouped with others, and consolidating sanitary arrangements, may be habitable, should be grouped accordingly. Admirable samples of how this last may be done Mr. Vance has given. In the heart of the Liberties he took several houses, in Bishops and Kevins Streets, which stand to each other back to back; he obliterated the party walls between their rears, the melancholy gardens of other days, so as to form a single airy space, here setting latrines and washing house, drying-lines, playground, available for all the 120 tenancies into which he transformed the sick and indigent rooms of the old houses, all backing to this happy clearance. And of how at times an ancient self-contained building may be dealt with, he shows a notable instance too. Knowing that many now dilapidated houses built in the last century are, even in decay, more solid in wood and stone work than more-rapidly raised modern mansions, he bought one of these—the old Encumbered Estates Commission House in Henrietta Street—from the Government cheaply; the old halls and reception-rooms, through which the fates of so many families have passed so variously, he partitioned into separate dwellings of two and three rooms each; thus saving the immense cost of carriage, labour, and material which structures built from the foundation entail, and so transformed the whole into a very unencumbered estate inhabited by superior artisans, and yielding a net rental of 200*l.* a year. This is a special case, but the economic lesson is significant.

For individual reconstructions Torrens' Act and the Public Health Act may also be well utilised. Under the negative sections of the latter our Superintendent Medical Officer, Dr. Cameron, has closed some 800 houses as nuisances in the last two years, thus indirectly compelling the owners to remodel, whilst the cloture in many is happily final; but the more positive clauses in both statutes give large powers to the city authority to order structural improvement and reparation, and on default themselves to execute, charging the cost as debts upon the owners, or as terminable rates or annuities, leviable upon the premises improved. These so useful powers have, however, been practically dormant from many causes indicated in our report specifically. The machinery is too complex, intricate legal questions are made cognisable by a committee of the Town Council, a lay tribunal without the time or training for such inquiries; the owner, responsible in law and fact, has often so small an interest that the structural cost confis-

cates it, whilst the improvement enures in part for a superior owner; whilst, in other cases, if charged on the fee simple it would often unjustly involve an owner wholly blameless for the existing dilapidation and without pecuniary interest in its amendment. Again, there are not powers to enforce combined action of adjoining owners so as to effect groupings of accommodation save in the case of sewerage systems under the Public Health Act. In all this we have suggested amendments providing for the making of improvement orders by the justices and Recorder on summons of all parties concerned, with power to allocate responsibility between occupiers and different owners, according to the justice of each particular case, also to accept surrender of interests made worthless by the improvement obligation; and we suggest that these judicial powers should extend to a difficulty met in Scotland some centuries ago, viz. dilapidation due to the defective titles of ostensible owners who cannot therefore safely improve; the tribunal being empowered to grant charges upon the premises in the nature of salvage in favour of the expending owner. As to the present workability of the improvement clauses, I have been informed that in Manchester some 20,000*l.*, spent by the authorities in private improvements, has been found irrecoverable against the defaulting owners, owing to the difficulties of litigation or otherwise. We suggest, too, that the tribunal might, in certain cases, authorise an aliquot contribution to the expense by the city authority from the sanitary fund, when, for instance, the proposed improvement enures to the public and involves more cost than the private owner could justly be charged with, and when combined improvements are requisite. This principle is already recognised in several clauses of the Public Health Act 1878.

But at equal steps with reparations we must have new building too; the clearances and the clotures of the lowest drive the dispossessed to crowd the low remnant, with the immediate result of worsening the latter and increasing at once their wretchedness and their rents. Dr. Cameron's 800 closings have already enlarged the rental of those he has spared, whilst lowering the accommodation to the prejudice of their better inhabitants. As to new dwellings those who can pay interest-giving rents may safely be left to such private enterprise as the Artisans' Dwelling Company. The Glasgow trustees, though empowered to build workmen's houses themselves, found all their available sites readily purchased by building capitalists. But the tendency of urban improvement is to raise rent and thus to leave a *residuum* of the very poor, whose last state is worse than the

first. This factor is the chief fault in our sum, for here are those most dangerous to public health and public peace, and who least can pay for and least appreciate decent surroundings. This has been found, I believe, in all the capitals. Of the Peabody Trust in London, it has been complained that the 8,000 rooms built for three quarters of a million are used as cheaper houses for the superior artisans and not by the very poor for whom the bounty was designed. For his measure of 1875 Sir R. Cross had reports on overcrowdings prepared by the health authorities in Edinburgh, Glasgow, and Liverpool. The difficulty of this *residuum* is dwelt upon by them all. The Liverpool return embodies a joint report of 1871 by the very eminent sanitary physicians, Drs. E. A. Parker and Burdon Sanderson, whose description of the poorer Liverpool houses is appalling, and the more significant for us, as they report the Irish element to be one of the chief elements of the misery there. Mr. Morrison's report from Glasgow, after stating the objection of the authorities themselves to build or become philanthropic landlords from the tendency in this to pauperise and to compete with private enterprise, adds: 'The only exception to this rule is the case of our lowest class population, the waifs and strays, too poor or too improvident to be able to rent houses, for whom we have built and furnished airy lodging-houses, with large day rooms and lavatories, where each has a separate clean bed, at the charge, including use of cooking-range and utensils, of 3½*d.* per night, and these institutions are so managed as to be self-supporting, including five per cent. interest on capital. There has never been a single case of fever or epidemic in these houses since built several years ago, demonstrating the wisdom of dealing with even the dregs of society. Of course the rules are stringently enforced. This character of lodging-house accommodation we consider of vast importance in all large centres of population.'

At that time there were two; there are now six for men and one for women, containing some 1,900 beds. One which I saw was admirable: six dormitories, each with its sanitary accommodation, and fifty bed-places or bunkers partitioned from each other as in schools; a dining and a day room; each man cooks and washes for himself with free use of fire and water. The staff is an able superintendent with two resident assistants and two female servants non-resident. The outlay is 10*l.* per week; but all the houses pay in which the beds are full, for the lodging-money is paid in advance, and the superintendent says he does not lose 2*s.* per annum by theft or wilful spoil. These lodgers often stay on from day to day to

year to year. Such a boon for the helpless seems a triumph of city government, and here we may, and I think should, imitate Glasgow to the extent of two or three such homes. If possibly open to the club stigma of promoting celibacy, mind they are just as likely to make of bachelors better poor women's husbands, and the plight of single workmen in the tenements now is so piteous that even an anti-Malthus could scarce grudge some 600 beds in Dublin for these unprotected males. For this the Act of 1866 gives ample powers already; this statute has been made part of the Sanitary Code by the Public Health Act of 1878, its purposes declared to be sanitary purposes, entitled to the borrowing and lending privileges given to the corporation and the government thereunder. But these Glasgow structures take no thought for the married *residuum*, whose case is yet the most pitiable far, both there and here; here specially pressing in the case of the dispossessed above referred to. Penetrated with their necessities, Dr. Cameron proposes dwellings for these also, provided by the Corporation under the Act of 1866, which, not confined to lodging beds, authorises homes for families in the fullest way. This project is to build, in twelve separate districts, accommodation for some 6,000 of the very poor, whose wages range from 7*s.* to 12*s.* weekly. The proposal has been approved by the Society of Medical Officers of Health in Ireland 'as deserving of the serious and immediate attention of the Municipal Council of Dublin,' and has been partially adopted by the health committee of the latter; should it prevail he will have solved a tremendous problem which elsewhere has been hardly grasped, lifting many thousands of our *miserables* from the Slough of Despond.

As to the best form of new buildings for the better working classes, there is some conflict of opinion on which I would here say a few parenthetic words. Some unreservedly condemn the blocks of aggregated apartments, and advise a single cottage for each family in every case, on the ground of economy, the spirit of independence fostered by individual ownership, and the contamination of evil vicinage which so often injures in the existing tenements. But these views, forcible if not pressed too far, also seem to err in over-generalisation. Many crowded city quarters, where poor men's homes are most called for, could not afford the room for such separate dwellings. In Glasgow I was informed that under the Improvement Trust not a single such workman's house has been provided, the value of the superficial sites in that city quite precluding the experiment. There the new streets are laid out with shops on

the ground-floor, just as elsewhere in the city, whilst all the upper storey of each house is disposed in self-contained dwellings, as is usual in Scotch towns, containing, according to rent charged, one, two, or three rooms, with kitchen and sanitary arrangements: there was nothing in the outward aspect of these clean bright streets to mark them as the centres of a special class, and to my superficial thought it seemed there might be something of social education for many of the proletarian class, thus spreading them through and assimilating them with the ordinary citizen, and so tending to loosen the hostile social prejudices which make the working masses of our day a thought of uneasiness to many. In Glasgow the large block system does not prevail, the great area of street improvements allowing of this freer method; but even apart from the economy of frontage space which the vertical use of the higher air affords, these large blocks, on the plan of our artisans' buildings in Buckingham and Echlin Streets, may often combine large savings in cost and time, in single systems of drainage, flushing, water and gas supply, and sanitary arrangements adapted for the uses of many families, to whom they may thus give the advantages of domestic cooperation, or something of what is most useful in the club principle; whilst for that constant inspection which I fear for long must be needful here they afford obvious facility as compared with lengthened rows of cottages. In this work of reconstruction I would again suggest diversity of operation rather than servility to a single system, the choice in each locality depending upon its special circumstances: we have room in this widespread Dublin for many cottages. Again, we want poor men's houses when there is not such room; we have many workmen who would prefer each his cottage for himself, but we have many with whom the cottage would soon be the worst of cabins, and some who would prefer the more social life of the more aggregated home. I wish we had strength too for a few new streets on the Glasgow model, but even this too may be feasible as the bettering state matures.

But in the longsome labour of reforming what we have, as advised by the Royal Commission, the responsibility is, *quadripartite*—1. that of the corporation; 2. the owners; 3. the occupiers; 4. the police and magistracy, whose duty is correlative, and the action of each without the other vain. The lead is with the Corporation, who alone can frame the system to which all individual cases must bend. Until they have practically matured their scheme of daily or bi-weekly removal of the tenemental filth, it is neither fair nor feasible to require

owners to make costly structural changes, occupiers to be clean when they have not wherewithal to stow their uncleanliness, or magistrates to punish for the non-doing of the impracticable. Some time since the justices declined to fine for non-clearing of the footways in snow, the accused showing that having cleared them in the morning they were fouled before noon by bespattering of the roadway slush, which it was the duty of the prosecutors themselves to remove; and in a nuisance case in my court the defendant piteously pressed that the foul manure bank he had piled for sale had been drawn by him from the Corporation dirt depôt within the city, and that they were ungenerous in prosecuting an offence which had helped to save themselves from prosecution; and though this plea did not prevail, it is unfair to make owners repair their yards, construct new ashpits, and provide what the Report calls water-carriage for their filth until the Corporation have supplied those means of cleansing the new ashpits and flushing the paved yards and water channels which are part and parcel of the scheme. In the evidence at the Commission it appeared that the present cost of filth removal, with its abominable results, amounts to 30,000*l.* a year, chiefly thrown on the tenement owners. To add to this the cost of new structural works would impose a burden greater than they could bear, but relieving them of the former their non-effecting of the latter will be without excuse either with ratepayers, corporation, or magistracy. It is pleasant to know that the Corporation have creditably inaugurated their duty in this regard; they have appointed as head of this department a thoroughly competent gentleman from Glasgow, a specialist in this branch of sanitary engineering, who is already deep in the organisation of the great task before him. Such ratepayers as incline to question this shifting of filth removal from the individual owners to the general rates, if not satisfied with the opinion of the Royal Commissioners of its absolute necessity, should know that the principle is already decided by Parliament. Adopting the policy already carried out in many of the great English and Scottish towns, the Public Health Act 1878 provides, by section 52, that the corporation may, and if required by the Local Government Board must, themselves undertake at the public expense, for the removal of house refuse within their district; and herein, too, we need no further statutory powers.

When the reciprocal duties of owners and town council have been discharged, we may then with hope and justice require the poor room-keepers to do theirs, without which all

expenditure must prove prodigious failure. For in the hereditary habits of these people is the chiefest difficulty. So it has been found in all the cities. Here, at least, we may truly speak of them as that post captain from the Pacific answered as to the South-Sea Islanders. Asked by a literary lady in her *salon* as to their manners and customs, he said, 'Their customs, my lady, are very dirty, and they have no manners.'

Now they store their house horrors in their crowded rooms until they cast them into street, or court, from their window, without cry of 'Gardez Loo,' and resent all attempt to change by abuse, wilful or reckless, of all new appliances. Several owners examined at the commission proved the futility of outlay, owing to the foul habits of the occupiers and the difficulty of evicting the refractory and the worthless.[1] One of them stated he was thus compelled to charge two shillings and sixpence room-rent instead of one shilling and sixpence, so obliging the decent tenants to pay for the defaults of the worthless by the enormous advance of nearly 40 per cent. in an expenditure of first necessity. Hitherto, whilst they have lived under structural sanitary conditions as outside their control as the planetary system, to deal punitively might be like compelling the Hebrews to make bricks without straw, and many of the sanitary laws have been unenforcable and unenforced. So far back as 1842, our ordinary Police Act (5 Vict. c. 24, § 27), forbad by a penalty of forty shillings to throw or lay dirt, rubbish, or offal, in any street or thoroughfare, and yet for nearly forty years seas of dirt, rubbish and offal have been flung in the face of this Act, to the dread exalting of the death-rate. My friend, the town clerk, tells me he some time since saw a woman flinging some awful things into the street-way in the very presence of a constable, who stood listlessly looking on. 'Why,' he said to the constable, 'do you permit this?' 'Why, what is it to me where she puts it?' said the policeman officially. My friend explained his position and the nature of the Act. 'O, sir,' said the policeman, changing his tone, 'is that the way? Sure, I'll make her bring it back again into her room, if you like.'

Even when the city and the owners have done their duty, the people will cling to their old ways, but then they will be without excuse, and a change must be forced on them by beneficent compulsion, magistracy and police acting with strong but kindly hands. The execution must not be merely some twenty constables told off as now, from the whole metropolitan force as paid sanitary officers, but I hold that we have in the

[1] See Blue Book, pp. 138, 183, 184.

general body of our splendid city force a great undrawn fund for the work of reform; and I would deliberately advise that when preliminary organisation is complete, every constable in the city should be furnished with a code of all offences against the sanitary laws, with instructions to receive and prosecute all complaints for breaches of them as in the case of ordinary offences against the peace, and we may soon expect such a marvellous change as was wrought in the licensing laws, when a few years since the police took them resolutely in hand; nor is there any greater danger in this case than in that of prejudice to their functions as ordinary peace officers, nay, this duty will tend to increase their knowledge of the city haunts, where crime is rifest, whilst aiding to clear many of the depravity which so often herds with material foulness. But it will be necessary to empower the justices to evict summarily tenants committing, or wilfully permitting dilapidation. The more worthless, frequently when under notice to leave, employ the days of grace, now sometimes reaching months, which must elapse before decree in vindictive waste, and it is a common trick to set the sanitary sergeant at their landlords for nuisances, in which they have had themselves the largest share, and then to set off the sergeant's visits against the claims for rent. This summary power will need actual exercise in probably few cases. After a few examples made, its existence alone will act *in terrorem.*

But in vain we make comely the interiors, whilst the outside environments are unlovely as now. The life without is the complement of the life within. Little hope that the neat within doors can be prized or kept, whilst the children's sole playgrounds are the street gutters, and of their parents the public-houses. Alcohol must have rivals in the essential office of relaxing the workman's life strain, and cheering his routine with variety; *must*, if the death wounds in the weekly wages shall be staunched, which now deplete them to a pittance, that leaves the doing of a wife's duty a despair; despair, which reiterated, drives so many a young woman from the decency in which she married so little while ago down into the depths of the slattern, from whom her children fly to the refuge of waifdom, and to realising the 'Arabian Nights' in our sinister streets. Called upon five years ago to witness these things nearly, and to meet their consequences with stern imprisonments and strict limiting, where possible, of the poor man's drink temptation, yet declining the rôle of repression only, I ventured to suggest that it was meet for the municipal authority to provide some sources of outdoor recreation for the poorer classes, such as existed elsewhere. The

proposal that they should have music and scent flowers in open spaces, instead of sweltering in the slums, was looked upon by some at least as sentimental hobby riding. The ratepayers pay for music for the masses! What good-natured silliness. It was pleasant then to learn what has been done in Glasgow in this regard. There the authorities have since 1859 added three parks to the ancient Glasgow Green, so that there are now four great people's parks in four quarters of the great growing city, in which the Highland and Volunteer bands play for the people through the summer; the music alone last year cost 900*l.*; there are play grounds, tennis and cricket grounds, flower parterres, refreshment room and lavatory, railed off closes where cattle graze, whilst of the land acquired by the municipality under their two Park Acts, the skirts have been sold by them for residential terraces, made attractive by the pleasant surroundings. These men, canny Scots, all unlikely to spend their substance in hobby races, have seen that the providing of these open spaces is but part of the great question of urban overcrowding, that pure air is the largest factor in the problem of the public health, and that the people must be allured to these from grosser atmospheres and coarser joys. The very presence of crowds in these parks is itself a ventilation of the packed rooms and quarters they must leave to visit them. Here, Lord Ardilaun has lately given us St. Stephen's Green, the Corporation contributing 300*l.* a year in the surrender of the city ground rents, and the boon has already proved an ornament for all and a blessing for the poorer citizens; the rough conduct which marked the earlier months was checked by a few strict magisterial decisions, and since then the people have learned better to understand that the beautiful place is meant for them; there is no better teacher of good manners to the rough under population than to see the ways of gentle folk, and move amongst them. But there are thousands of women and children in the lanes and alleys to whom the Phœnix Park and St. Stephen's Green are practically as distant as Hyde Park. We cannot cope with Glasgow whose taxable value is nearly five times ours, where a penny in the pound raises 12,000*l.* a year, and three half-pence defrays the whole yearly park maintenance; nor is specific imitation necessary if the principle be followed. Under the Public Parks Acts, 1869–72, the Corporation have already ample powers for establishing city parks, but a much more modest and inexpensive project might be even more valuable here, when there are so many existing spaces in all the poorer quarters, open or ruin covered, which at small cost might be adapted

as recreation grounds for young people of both sexes. The Corporation already own some such sites; there are some of the old parochial grave-yards, now closed as such, which might thus be utilised, with due sanctions against desecration, planted with shrubs and flowers, and furnished with seats. The gardenising of St. Paul's Churchyard has quite transformed the long journey through mid-London, but I have seen at Bordeaux a more apt model for us here, where round one of the old Romanesque churches in a decayed quarter the old people sat and worked and knitted in the air, and the young ones played amid violas and mignonnette, all very unpretentious, but effective and beautiful. The old God's acre, for an example here, around St. Mary's Church, might easily have its chill ugliness changed, and be made a bright spot for the children near, whilst serving as a very valuable adjunct to the Jervis Street Hospital, which fronts it. Dr. Mapother in his President's address to the Statistical Society, indicated several other areas; amongst these the ruined site in School-house Lane, in the very core of ancient Dublin, which its owners, the Corporation, lately offered in vain for public sale; this, in the centre of all that was once most sacred and distinguished in the older city, might well have its youth renewed, and be a renewal to the youth around it, if laid out as a playground, with ball-court, swing and fly poles, space assigned for drying and perhaps a washing-house. It would be easy to frame a schedule of such sites. For this project no further legislative change would seem necessary than to restore to our Public Health Act, 1878, the 164th clause of the English Act of 1876, which in adapting the latter to Ireland was omitted and which runs thus:—

'Any urban authority may purchase or take on lease, lay out, plant, improve and maintain lands for the purpose of being used as public walks or pleasure grounds provided by any person whomsoever.'

Whether the omission in the Irish Act was intentional or otherwise I know not; the following section empowering the Corporation to provide as many public *clocks* as they please is retained for us; possibly the legislature then deemed that all we needed in Ireland was a little more punctuality. For supplying music I think the Glasgow authorities act simply on the general provision, enabling them to *maintain* the parks, in their Act of 1856, but the public auditor is not keen to raise points against public opinion; here it might be well to take more specific powers; not indeed for an expenditure of 900*l.* a year; even in Glasgow they think they might have had this enjoy-

ment for much less, but they began by paying the bands on the higher scale, and now they cannot well alter; nor have they there such bands as those of our Metropolitan Police and Royal Irish Constabulary, who alternating with the many bands of this large garrison might be ready to play for the pleasure of our populace for very moderate recognition; and herein there might be political training too, warming the people towards the guardians of the peace and to the military, if their bands were seen ministering to the popular enjoyment near the very places where recruits are often sought and when the peace is oftenest broken. I am sure that in France the habitual playing of military music amongst the masses has long tended to make the army popular. The cited section contemplates obviously the gift to the city of such recreation grounds by the generous rich. I wish this statutory hint could be published amongst our bountiful millionaires, inviting them to send in tenders for the supply, at the expense of their own beneficence, of this great social boon; the gift of a few such small oases through the squalid deserts of the city would be a splendid quadrature of the munificence which has given us St. Patrick's, Christ Church, and St. Stephen's Green.

So far for this sad subject thus lengthily brought before the Parliament out-of-doors, because the Parliament within doors has had no time to treat it. We in this city have ground for jealousy in the public and parliamentary monopoly which rural grievances real and alleged have lately had; for if superiority in suffering should give preaudience, then woe, misery, and vice which the country wots not of, should give this capital of Ireland superior claim to the public ear, and perhaps a prior charge upon surplus public funds destined to mitigate the sufferings of this island. Last year in the crisis of the so-called famine I was at its head quarters in West Donegal in the June season between the harvests; we saw the recipients of the relief funds trudging cheerily enough with the meal sacks on their backs; they said they had suffered a good deal, but 'sure we were well helped;' on Sunday some thousand people gathering from the hill slopes in the wild grand valley of St. Columkille were a pleasant sight around the chapel doors, in tartan shawls and well shod, bright, cheerful and intelligent: and it was most true that to create such social conditions, famine and all, in the slums of this city, would be angels' work indeed. But the country cries carry force political, the rural voices are votes, and these drown the dull murmur of misery that monotonously rises night and day in this fair centre of our civilisation; for the murmur has not much power to penetrate the House of

Commons or the City Hall; the voters, parliamentary and municipal, for tenement houses, are not the wretched occupants, but those on whom the burden of improvement falls, and so their cause in some measure is left to such poor advocacy as this Paper. The Corporation have been and are doing much, but they need public opinion to stimulate and uphold them; for government machinery, central and civil, seems nowadays a windmill, of which the *aura popularis* is the motive power. To fan this healthily we now invoke the aid of the Social Science Congress, and if their visit may contribute—if not to render this metropolis the *civitas nobilissima*, by which brave name it stands described in the charter of King Edgar—yet to lift its dark places to somewhat fairer harmony with its beautiful half, then, indeed, this Congress shall have brought blessings in its hands and made this year 1881 an *Annus Admirabilis* in the annals of Dublin.

On the results of the Town Labourers' Dwellings Acts. By CHARLES A. CAMERON, M.D., S.Sc.C., Cambridge, Fellow and Professor of Hygiene, R.C.S.I., Medical Officer of Health for Dublin.

IN September 1881 I addressed a circular letter to the municipal authorities of every town of 20,000 inhabitants or upwards in the United Kingdom, asking for information as to the erection of dwellings for the labouring classes, either by the local authorities or by companies or individuals. I received seventy-six replies, and several printed documents were sent to me. In comparatively few instances have the Acts enabling local authorities or private persons to erect dwellings for labourers in towns been put into force.

In Greenock the provisions of the Artisans and Labourers' Dwellings Improvement Act, 1875, are just being put into force by the municipal authorities. A large number of unhealthy areas have been cleared away, and dwellings for labourers have been and are being erected by the municipality upon the cleared sites. The cost of this improvement is estimated at 115,000*l.*

The authorities in Leith are clearing unhealthy areas under the provisions of the Artisans and Labourers' Dwellings Improvement Act of 1875 and 1880, but they do not intend to build upon the cleared sites.

The Corporation of Huddersfield are now erecting 100

dwellings for working people under the provisions of their local improvement Act.

The Corporation of Wolverhampton have cleared an area and sold it to private persons for the purpose of building labourers' dwellings upon it.

In Salford two blocks of buildings have been erected under the Labourers' Classes Dwellings Act by a private company. They accommodate at present 228 persons, 36 of the tenements contain each two rooms, 20 three rooms, and 6 four rooms. The rent varies from 3*s.* 6*d.* to 6*s.* 6*d.* weekly, including the cost of gas and water. The interest paid to the shareholders ranges from 2½ to 4 per cent.

Two years ago a company was started in Cambridge. They have expended more than 5,000*l.* in providing tenements for the working people, and they purpose raising their capital to 30,000*l.* They have paid a dividend of 5 per cent. upon the paid-up capital.

In Liverpool the Corporation in 1867 erected, at a cost of 67,537*l.*, 146 separate tenements; they pay about 3½ per cent. The Corporation have cleared sites under the provisions of the Act of 1875, but they have neither built upon them nor sold them as yet.

The Corporation of Birmingham have, up to the end of 1880, expended a million and a quarter pounds in widening streets, clearing unhealthy areas, and purchasing buildings and lands, and repairing houses. More than 700 dwellings for artisans are in the possession of the Corporation. These great sanitary works are at present in a transition state, and the accounts of revenue and expenditure published by the Corporation do not enable me to ascertain whether or not the artisans' dwellings are at a loss to the Corporation. Their existence is merely one result of a very comprehensive improvement scheme, which is ameliorating very sensibly the condition of public health in Birmingham. In 1880 the rents received by the Corporation from the property acquired under the improvement scheme amounted to 27,480*l.*

By the Local Government Boards Provisional Orders Confirmed (Artisans and Labourers' Dwellings) Act, 1877 (c. 241), a scheme relating to St. Paul's area in Norwich was confirmed.

The Corporation have since purchased the property included in the scheme, and pulled about two-thirds down, and sold such portions of the sites as are not required for the new streets to a private individual, who has erected the required buildings thereon according to the details prescribed by the scheme.

The scheme contained about 140 houses inhabited by about 500 persons, the cost was about 10,000*l.*; the land sold realised 5*l.* per rod, not more than sufficient to make sewers and pave the various streets; the remainder of the ground is unsold for want of a purchaser, even at so low a rate as mentioned. The scheme has not been remunerative, but a number of dwellings, most of them uninhabitable, are removed. The new houses are too good for the former tenants, who could not afford to pay the increased rents.

In Glasgow an improvement scheme similar to that adopted in Birmingham has been in progress since 1866, under the provisions of a local Act. The scheme contemplated the demolition of 10,000 tenements, containing an estimated population of 51,304 persons. Up to the present the greater portion of the proposed work has been accomplished. The Act empowered the Corporation to erect and maintain dwellings and even furnished lodgings for the labouring classes; they have not erected any of the former class of dwellings, as the demand for such habitations has been fully supplied by private enterprise. The Corporation have, however, erected and furnished, at a cost of 90,000*l.*, seven lodging-houses in different parts of the city. They afford accommodation for 1,900 persons, and are generally fully occupied. One of these lodging-houses is exclusively for the use of females. The charges are 3½*d.* and 4½*d.* per night, which brings in a revenue of from 7,000*l.* to 8,000*l.* a year, and yield at present about 4½ per cent. on the capital.

The Corporation of London have spent 68,000*l.* in the erection of dwellings for artisans.

The Peabody Fund trustees have up to 1881 expended 600,000*l.* in the erection of dwellings which afford accommodation for nearly 10,000 persons. The fund was originally 500,000*l.* Mr. Peabody having expressed a desire that the rents of the buildings should not afford a greater profit than 3 per cent., the tenements are let at lower rates than they would otherwise have realised. The profits are added to the capital, and every year new houses are built.

The Metropolitan Association for Improving the Dwellings of the People have now thirteen blocks of buildings, which have cost 241,000*l.* They generally pay from 5 to 6 per cent.

The Improved Iudustrial Dwellings Company have a capital of 425,000*l.*, and they have borrowed 271,000*l.* addition from the Board of Works. They have at present twenty-eight 'groups' of dwellings, consisting each of one or more blocks. The financial condition of the company is said to be highly satisfactory.

The loans advanced under the Artisans and Labourers' Classes Dwellings Improvement Act up to March 31, 1880, were: for England 1,419,970*l.*; for Scotland 115,000*l.*; and for Ireland 30,500*l.*

Under the provisions of the Labouring Classes' Dwellings Act the loans raised in England and Scotland amounted to 394,741*l.*, and in Ireland to 66,654*l.*

The loans advanced in Ireland must, I think, have been nearly altogether issued to private persons. Cavan is the only town, as far as I can learn, in which the Town Labourers' Dwellings Improvement Act has been carried into effect by the municipal authorities. They borrowed 2,000*l.* from the Board of Works, the loan being repayable in twenty years, and bearing 4 per cent. interest. Twenty cottages were built; they are two-storeyed, and have enclosed yard and small garden. Ten are let at 3*s.* and ten at 2*s.* 6*d.* weekly. The cost of the buildings was 1,720*l.*, and the making of roads, sewers, and other expenses, together with the payment of a first instalment of the loan, absorbed the balance of the 2,000*l.* The rent suffices to pay the instalments to the Board of Works and all other expenses, and as the rate of interest decreases the town will realise a profit out of the cottages, and in a few years they will be free from debt. The town commissioners propose to erect fifteen additional cottages.

The Corporation of Dublin have put in force the provisions of the Artisans' Dwellings Act. They have completely cleared away a collection of dwellings situated under unhealthy conditions, at a cost of 22,000*l.*, and they have let the cleared site to the Dublin Artisans' Dwellings Company at a rent of 200*l.* a year. Another unhealthy collection of dwellings is being cleared away at a cost of 15,000*l.*

A report, in which I have strongly advocated the erection of dwellings for the lowest and most dependent classes of the population by the Corporation of Dublin, has just been unanimously adopted by the Public Health Committee; and, having been approved of by the chairman of the committee, Mr. E. Dwyer Gray, M.P., I have little doubt but that his powerful influence, exerted as it is in the cause of sanitary reform, will induce the corporation to expend a large sum in the erection of dwellings under the Labouring Classes' Dwellings Act. Roughly speaking, from 100,000*l.* to 200,000*l.* might be advantageously and remuneratively expended in this good work.

In round numbers, there are about 26,000 houses in Dublin, of which very nearly 10,000 are tenemental dwellings—that is to say, are each occupied by more than one family. There

are about 1,000 small houses, comprising from one to three apartments, in which persons of a very humble class reside, but in each of which only one family dwells.

The larger proportion of these tenemental dwellings are situated in streets of sufficient width, and at some former period they were occupied by persons very much superior in social position to their present tenants. The condition of the houses is worse in proportion to the length of time which has elapsed since they were occupied by single families. They are, as a rule, decayed, filthy, and damp, and unprovided with proper sanitary accommodation; many of them are very large, and in each of their rooms a whole family is located; not a few of them are a little better than ruins.

A large number of tenemental dwellings consist of small houses built on the sites of the gardens and yards of houses of an earlier erection, and which houses were formerly the residences of single families. Thus, not only is a house with six or eight rooms, in which half a century ago, or at a still more remote period, half a dozen persons lived, now the abode of as many families; but the air-space behind the ancient house is filled with small houses. By far the greater number of the present courts and alleys are of recent origin, and they have been placed upon the sites of gardens and yards; the stables and coach-houses have also in whole districts been converted into dwellings for human beings. It is certain that the immense majority of houses built in Dublin within the last hundred years were provided with coach-houses and stables at their rears, and as these houses have now for the most part denizens who do not keep horses or vehicles, the stables have been either let to cabowners or converted into dwellings; there are now very few 'stable lanes' in Dublin in which there are not dwellings occupied each by one or more families.

One of the most urgently required measures for the improvement of the sanitary condition of Dublin is the erection of a large number of dwellings for the lowest classes of the industrial population.

The buildings which have been erected by the Dublin Artisans' Dwellings Company and the Industrial Tenements Company afford excellent accommodation for a large number of persons. The former have now 270 tenements, containing 1,243 inhabitants. Their large two-storeyed cottages containing four rooms, are let at 7*s.* 6*d.* per week; smaller sizes are rented at from 3*s.* 6*d.* to 6*s.* weekly. The accommodation given for 3*s.* 6*d.* is two rooms, a settle bed, yard, water supply, scullery, and water-closet. The lowest rent—2*s.*—is given for

two rooms in a large house, but even for this low rent a separate water supply and water-closet are given. This company are erecting on the Coombe area, which the Corporation has recently cleared, 200 separate cottages, and at Manor Street 74 cottages will soon be built. The dwellings which we owe to the zealous and truly philanthropic exertions of the company are hardly available for labourers; very few of the tenements are let at so low a rent as 2*s.* per week. It seems, therefore, desirable that the good work done for artisans, clerks, and other persons earning a pound or more weekly, should be supplemented by the erection of dwellings for still more humble classes of the community. There are probably at least 10,000 married men — labourers, porters, and messengers — whose weekly earnings do not exceed 15*s.*; there are some thousands of poor widows, with or without families, old worn-out men, and single women, earning a precarious living, and residing in wretched dwellings. To all these classes of persons the tenements of the Artisans' Dwellings Company are as inaccessible as are the houses in a fashionable square to ordinary mechanics. It is more especially the dwellings of these classes that urgently require amelioration; no doubt the homes of the artisans are, for the most part, defective enough, but still their condition is much better than that of the homes of the very poor.

The weekly rents paid by several thousands of the very poorest classes vary from 8*d.* to 2*s.* A very large number of families occupy each a single room, for which a rent of from 1*s.* to 1*s.* 6*d.* weekly is paid. In some cases the sum of 2*s.* is charged for one apartment. In the houses where the rooms are let at 1*s.* each per week a filthy state of things is the rule. From four to eight families often occupy such houses, and they seldom adopt any systematic arrangements for the cleansing of the common hall and stairs, or for keeping the sanitary accommodation in a proper state of cleanliness. In some instances, the landlord appoints a person to keep the offices and outhouses clean. The person so appointed is generally an old woman, whose remuneration for her labour is a free room. Those house-owners or renters who possess a large number of the lowest class of tenemental dwellings employ men to clean the yards. They make incessant complaints of the filthy and destructive habits of the occupants, and protest against erecting water-closets for their use, on the ground that the fittings would soon be destroyed. The dwellers in the lowest class of tenemental houses have been so long familiarised with their filthy surroundings that time is necessary to educate them into the proper use of water-closets and other improvements which

are being steadily introduced into even the humblest class of dwellings.

In the tenements which I have just described circulates no inconsiderable proportion of the poisons of the zymotic diseases, and more especially those of small-pox (when epidemic) and typhus fever. These and other contagious diseases are nursed, so to speak, in the lowest class of dwellings, and continually spread therefrom through many direct and indirect channels into the abodes of all classes of the community. What a substantial gain to public health would it not be if the, say, 5,000 families would now occupy the worst houses in this city with healthful dwellings.

It seems to me that the time has arrived for effecting some substantial amelioration in the condition of the lowest class of dwellings. This amelioration is not likely to be effected by any kind of building societies; it must be done either by benevolent associations, with no stinted means, or by the municipality. It is within the power of the Corporation, acting with the consent of the ratepayers, to erect not only dwellings for the labouring classes, but also furnished lodging-houses for their use. There are five Acts relative to the erection of dwellings for the labouring classes, namely:—

The Labouring Classes' Lodging Houses and Dwellings Act (Ireland) 1866, 29 and 30 Vic., cap. 44; the Labouring Classes' Dwelling-Houses Act, 1867, 30 Vic., cap. 28; the Artisans and Labourers' Dwellings Act, 1868, 31 and 32 Vic., cap. 130; and the Artisans and Labourers' Dwellings Acts of 1875 and 1879.

Under the first-named of these Acts, the corporation (and other municipal governing bodies) are empowered to purchase or rent land for the purpose of erecting upon it dwellings for the labouring classes. They can also provide lodging-houses, and supply them with furniture, gas, water, and other necessaries.

When a corporation or other municipal governing body propose to consider the advisability of adopting this Act, notice to that effect must be published not later than twenty-eight days, nor earlier than forty-two days, before the day upon which the question is to be discussed. If upon that occasion a memorial from ratepayers representing one-tenth of the rateable value of the property liable to assessment for the purposes of the Act be presented, requesting the consideration of the question to be postponed for a year, the prayer must be granted. After the expiration of one year, the municipal authority may again consider the advisability of putting the Act into force,

and may do so provided that a majority of the members present agree to the proposal.

The expense of executing the Act may be defrayed out of the funds available for paving, lighting, and cleansing or otherwise improving the borough, and if the funds be insufficient for the purpose they may be increased by means of a special rate, but only with the approval of the Local Government Board. Loans may also be raised for the purposes of the Act.

The closing of tenements unfit for habitation is now a daily occurrence, and the evicted persons are complaining and with justice that they cannot find proper habitations unless at much higher rates than they can afford to pay.

The provisions of the Artisans and Labourers' Dwellings Act, July 1868, relate chiefly to the improvement of tenemental and lodging-houses. If they are not in a fit condition for human habitation, their owners are liable to be compelled to improve or rebuild them, and if they refuse to do so, the municipal authorities are empowered to do the work, of course in all cases under the provisions of the Act; the owners of premises which the local authorities desire to have improved or rebuilt can appeal to the courts of law.

At the present time there are houses, situated in a great many parts of the city, which have been closed by magistrates' orders on the certificates of the medical officers setting forth their unfitness for human habitation. I have no doubt that all such of these houses as require rebuilding could be taken down by the sanitary authorities should the owner refuse to do so. Many of these houses have been closed for periods of one or more years, and not a little are better than ruins; they are not only an eye-sore, but they are liable to be receptacles for filth. If the owners of these houses fail to rebuild them within a reasonable period, they should be compelled to do so, or to allow the local authority to take, and if considered desirable, rebuild them.

Since September 1, 1879, up to August 31, 1881, 799 houses, 240 cellar dwellings, and 150 rooms unfit for human habitation were detenanted and closed, nearly altogether on my evidence as to their unfitness.

I shall now enter into a brief description of the kind of dwellings which in my opinion should be erected. Each should consist of a two-storeyed house containing four rooms, the dimensions of two of these should be 12 feet in length, 12 feet in breadth and 12 feet in height, a capacity of 1,728 cubic feet, and two rooms 10 feet by 10 feet by

10 feet, 1,200 cubic feet. The house need only be of the plainest kind, but the stairs, doors, and window frames should be strong, so as to resist rough usage; the cost of such a house would not be more than 125*l.* and of the site say 25*l.* If each house cost 150*l.*, then 666 could be erected for the sum of 100,000*l.* The average number of individuals per family is about 4·5, therefore, the 666 tenements would provide for (at the rate of two families per house) 6,000 persons. For each tenement of two rooms the rent should be 2*s.* per week. This is somewhat more than many labourers pay, but I am sure there would be no difficulty in getting tenants for two good rooms at so low a rent. The existence of such 1,332 tenements would stimulate the owners or renters of the ordinary low-class tenemental dwellings to a healthy competition, which would be the means of causing a general improvement in the condition of the homes of the people.

It is a serious question for the ratepayers: would the erection of 666 tenement houses such as I have described entail a permanent burthen on the city? I do not think it would. Let at 10*l.* 8*s.* per annum per house the revenue would be 6,364*l.*, 4,000*l.* a year interest (which would gradually extinguish the debt) on the loan required to build the houses would be paid out of the rent; supposing that even a considerable number of tenants were defaulters, 1,000*l.* per annum would be more than sufficient to keep the houses in repair.

The sanitary authorities have great powers conferred upon them by recent sanitary statutes, and so far as the closing of houses unfit for human habitation is concerned, there is not much difficulty in effecting that object in Dublin; thanks, too, to the views which our police magistrates take. I must confess however, that I often feel compunction in applying for the closing of houses, unless they are in an exceptionally bad state, belonging to poor persons, and who are unable to put their houses into proper repair. There are many leaseholders who make a little profit out of subletting the houses. When houses of this class are compulsorily closed, it seems a hardship that the lessee should be compelled to pay his landlord rent for houses which had become unproductive. Legislation is required to remedy this grievance, and also to distribute the cost of putting houses into a proper state of repair, and of providing them with improved sanitary accommodation, on all the persons having a beneficiary interest in the premises.

It is regrettable that the humbler classes do not form themselves into building clubs for the purpose of purchasing or

building dwellings for their own use. There are only two or three such associations in Dublin, but their capital is very small. The excellent building society which was established thirty years ago at Carlisle, is one which I would gladly see copied in this city. The members of this society can borrow 100*l.* for the purchase of a dwelling, and repay the money in weekly instalments of 3*s.* 6*d.* during a period of 16¾ years. The income of the society in 1879 was 145,767*l.*, and the expenses of management only amounted to 468*l.* 11*s.* 4*d.*, the fees paid to the committee being the modest sum of 15*l.* The capital of the society amounts to 427,198*l.*, and its members receive good dividends.

Artisans' and Labourers' Dwellings, with an Appendix on the Operations in London and other large Cities and Towns of the United Kingdom, under the Artisans' and Labourers' Dwellings Improvement Act, 1875, *and Local Acts with Similar Objects.* By EDWARD SPENCER, M.A., T.C.D., Secretary to the Dublin Artisans' Dwellings Company, Limited, and Assistant Secretary to the Dublin Sanitary Association.

THE object of this paper is to give an account of the operations of the Dublin Artisans' Dwellings Company, Limited, since its formation, and to consider some of the difficulties which surround the provision of accommodation for the working classes in Dublin, and the best means of surmounting those difficulties.

The Dublin Artisans' Dwellings Company, Limited, was set on foot in the year 1876 by two members of the Executive Committee of the Dublin Sanitary Association—Dr. Grimshaw, Registrar-General for Ireland; and Mr. R. O'B. Furlong, Solicitor for Inland Revenue in Ireland; the committee of the Association having previously applied for and obtained the extension of the Artisans' Dwellings Improvement Act, 1875, to towns in Ireland having a population of or over 25,000 persons.

The movement thus initiated was cordially taken up, and the Company established, with a capital of 50,000*l.*, and power to increase same.

The directorate consists of Lord Ardilaun, chairman; Mr. Richard Martin, D.L., J.P., deputy-chairman; Mr. Robert Warren, D.L., J.P.; Mr. Richard Owen Armstrong, J.P.; Mr.

Edward Hudson Kinahan, J.P.; Mr. William Findlater, M.P.; and the Honourable Charles James Trench, J.P.

Since its formation the Company has acquired five sites—one in the north-east district (Upper Buckingham Street), two in the north-west district (Dominick Street and Kirwan Street), and two in the south-west district (Echlin Street and The Coombe).

These sites are now entirely covered, with the exception of The Coombe, where the buildings are in course of erection, and will provide accommodation for 531 families. The number of families accommodated, the number of the rooms, their cost and the cost of the buildings are as follows:—

Buildings	No. of Families	No. of Rooms	Cost per Room	Total Cost
			£	£
Buckingham Street . . .	88	224	52	11,761
Dominick Street	79	260	41	10,671
Kirwan Street	128	401	33	13,200
Echlin Street	36	92	47	4,353
Coombe (estimated) . . .	200	662	41	27,000
	531	1,639	42*	66,985†

* Average cost per room.

† The difference between the Company's capital and this amount it is proposed to borrow from the Public Works Commissioners, who have already advanced a portion of the amount required.

The rents charged for this accommodation are as follows:—

	One Room	Two Rooms	Three Rooms	Four Rooms	Six Rooms
Buckingham Buildings	None	3/6 to 5/0	3/3 to 5/0	6/	None
Dominick Street .	"	None	4/9 to 5/6	5/6 to 6/	"
Kirwan Street . .	"	3/6	4/ to 6/	7/6 to 8/	11/
Echlin Street . .	2/6 to 3/	2/ to 3/	4/ to 5/	None	None
Coombe (not completed)	...	...	...	...	...

The company's buildings (erected or in course of erection) consist of 1 shop, 1 eight-roomed house, 4 six-roomed houses, 168 four-roomed cottages, 68 three-roomed cottages, 110 two-roomed cottages; and 110 three-roomed tenements, 65 two-roomed tenements, and 4 one-roomed tenements. Each of these has a separate water supply, scullery, and w.c.

The tenants enjoy good health, the rates of mortality for the years 1879 and 1880 being respectively 28 and 26 per 1,000, as compared with 37 per 1,000, the death-rate in Dublin city for the same years. There is a very satisfactory diminu-

tion in the death-rate on the Company's estates for the half-year ending June 30 last—the entire number of deaths being only 11, representing a death-rate of 15·2 per 1,000, compared with 33 per 1,000 for Dublin city.

A very interesting feature in the dwellings is the annual competition by the tenants for the prizes for neatness and cleanliness of their rooms, and for window-gardening. These prizes are awarded by Lord and Lady Brabazon, who manifest a lively interest in the operations of the Company; they amount for this year to 40*l.*, and are divided into prizes for the tenants of each distinct estate, and two general prizes over the whole property.

It is satisfactory to be able to state that the number of tenants competing for the prizes this year is largely increased, and the results of the competition are very gratifying.

In order to be able to submit to the Congress some facts as to the improved accommodation supplied by the Company, and the cost of such accommodation, I have investigated the previous domestic history of 182 of our tenants.

These may be divided into two classes—those who have sought increased accommodation, and those who have wished for less than they had.

The first class comprises the great majority, and numbers 147 families. Of these I find that no less than 75 lived previously in single rooms, that 67 had two rooms each, and that only 5 had three rooms.

The 75 families who lived in single rooms comprised 290 persons, and the 67 families who had two rooms contained 350 members.

These are now distributed among the company's buildings as follows: Of the 75 families who lived in single rooms, 18 have two rooms each, 46 have three rooms, and 11 have four rooms each; and of the 67 families who had two rooms each, 52 have now three rooms, and 15 have four rooms each.

I think no one can doubt that the present accommodation is superior to what they had previously, and I shall now proceed to show what they paid for each.

The 147 families who have sought for increased accommodation paid for their former rooms 26*l.* 14*s.* 11*d.* per week, which was 3*s.* 7*d.* each; they pay now 32*l.* 1*s.* 4*d.* per week, or 4*s.* 4*d.* each, being an average increase of 9*d.* a week for each family.

There were on the other hand 35 families, as previously stated, who were satisfied with a smaller house than they had, and came to the Company for it. Of these 8 had six-roomed houses, 5 had five-roomed, 18 had four-roomed, and 4 had

three-roomed cottages. We distributed them as follows: To 8 families we gave four rooms each; to 18, three rooms; to 8, two rooms; and to 1 family we gave one room. Their rental before they came to us was 13*l.* 2*s.* 6*d.* per week, or 7*s.* 6*d.* each; with us it was 9*l.* 4*s.*, or 5*s.* 3*d.* each; being an average decrease of 2*s.* 3*d.* per week in each family's rent.

The rents in the Company's property are paid punctually, and the arrears are very trivial: the Company have not lost more than 50*l.* by bad debts since they started, and in that time they have received 7,572*l.* rents.

The Directors look forward to extending their operations in the direction of cottage accommodation, which they hope to supply at 2*s.* 6*d.* per week, rent: this they think will be available to the labouring class, especially when it is remembered that the wages of the head of the family do not in many instances represent the income of the family.

This question of rent opens up the entire subject of the future home of the working classes, which may be viewed from three points: (1) Rent; (2) the distribution of the displaced families; (3) character of the improved dwellings.

1. *Rent.*—There is a tendency to believe that if you erect a large number of improved dwellings for these classes at a rent sufficiently low to meet their income you at once solve the difficulty and destroy the tenement house evil.

I believe, however, that in such a case it would be found that these improved dwellings would be occupied, not by the class for whom they were intended, but by a class who could afford to pay a much higher rent. This would happen for two reasons: first, the poorer classes would not care to occupy the dwellings; secondly, the proprietors of the dwellings would not care to have them as tenants.

First, The poorer classes would not care to occupy the dwellings. It may appear ridiculous to suppose that a number of people, housed in wretched abodes unfit for human habitation, should refuse to live in healthy, comfortable dwellings which are provided for them at the same rent.

A Special Committee of the House of Commons on Artisans' and Labourers' Dwellings has been lately taking evidence in London, and has elicited the fact that the displaced inhabitants do not take advantage of the improved dwellings, even when they are rented as low as their old abodes. One witness (Mr. Nicholls, architect) says: 'In practice not one-tenth of the population of a condemned area would go into the new buildings on the adjoining or substituted area.' Another (Dr. Griffith) says: 'The lower class never get into the model

dwellings; the regulations are too restrictive, and they do not like the discipline.' And a third (Dr. Liddle) adds: 'The rents of the Peabody Buildings are a little lower than the rents of the old rooms, but they are inhabited by a superior class.' But the strongest and most practical testimony comes from the Peabody Trustees. The Whitechapel area, containing the abodes of 167 families, was cleared under the Artisans' Dwellings Act, and a list of the displaced families given to the Peabody Trustees, who acquired the site and erected thereon improved dwellings. On the completion of the dwellings the displaced families were informed that they could have accommodation in the new buildings for the same, and in some cases for even lower rent than they had been paying, but only ten or twelve families out of the 167 accepted the offer! 'They would not come (said the Trustees) principally because they did not like the rules.'

Secondly, The proprietors of the dwellings would not care to have them as tenants. The Peabody Trustees, it is true, offered these displaced tenants house accommodation as cheap as what they previously paid for it. But the Trustees are not a commercial body; they have no dividend to pay; they are simply administering a charitable fund to the best of their ability, their object being to provide accommodation for the labouring and poorer classes. They let their rooms at from 30 to 40 per cent. below the rents of the commercial companies, and they never distrain for rent. They make, however, strict enquiries as to the character of the applicant for their rooms, and reject undesirable tenants. One of their witnesses stated before the Select Committee referred to, 'Others are refused because they are so low they could not live in the same houses with the other people.'

They do not want the average weekly wages of their tenants to be over 1*l.* per week, but it is as high as 1*l.* 3*s.* 10*d.*, and, considering that it is the applicant's direct interest to represent his wages as small as possible, it is not improbable that this average is lower than stated. This opinion is strengthened by the significant fact that of the 378 occupations of the tenants of the Improved Industrial Tenements Company, Limited, only five are unrepresented among the occupations of the tenants of the Peabody Trustees.

The fact is that a good character and ability to pay the rent are generally regarded as necessary to make a tenant desirable, and the difficulty the Peabody Trustees experience is to get the former without the latter. Commercial companies, on the

other hand, seek both, and find perhaps that the two qualities go generally hand in hand.

2. *Distribution of the Displaced Families.*—The displaced families may be divided into three classes.

a. The Respectable Families.—On the provision of improved dwellings those who live in the better class tenement houses will leave them and go to the new dwellings provided for them, while the more respectable portion of the inhabitants of the condemned houses will go to the vacated tenements, the rents of which must fall.

There is, I think, no doubt that not only must the dwellings be improved for the people, but the people for the dwellings, and that both movements must be gradual. By the conditions of their domestic life, habits of filth, of carelessness, and of destruction have been ingrained in them, which render them utterly unfit for a sudden removal to dwellings with domestic comforts which they cannot appreciate, and sanitary appliances which they do not understand.

b. The Lodger.—This class forms a considerable portion of those displaced, and consists chiefly of persons in search of employment or without family ties. I need hardly say in presence of this section that this class is one which gives great trouble to the sanitarian, and that overcrowding and immorality are frequently caused by the system of families taking lodgers into their homes.

Dr. J. B. Russell, Medical Officer of Health for Glasgow, thus describes the system: "There can be nothing more abominable and vicious than this habit of taking strangers—generally young unmarried men—into a house which is already too straitened to accommodate its legitimate occupants. Admonitions will not remedy such cases, and only fines, which will make the violation of the law a losing game, will put it down.'

There is no doubt that this practice prevails very largely in Dublin, and is one which calls for immediate attention. No place is so suitable for the accommodation of this class as the model lodging-house; here he can get his meals cooked and his comforts attended to at much less cost than he will among a family, and with much greater benefit in health and morals to both parties.

The corporation of Glasgow have provided seven model lodging-houses at a cost of 90,000*l.*, containing accommodation for 1,922 persons; here a bed can be had for from 3*d.* to 5*d.* per night, or for from 1*s.* 6*d.* to 2*s.* 3*d.* per week. An idea may

be formed of the appreciation in which these lodging-houses are held by the fact that during the year ending May 31, 1881, 53,659 weekly and 269,646 nightly lodgers were accommodated. The undertaking paid for 1879–80 2*l.* 4*s.* 6*d.* per cent., and for 1880–81 3*l.* 16*s.*

c. The Lowest Class.—Many of these do not want and should not have a home. They are not fit for improved dwellings; we have seen they will not take them even at the rent of their old home; for many the model lodging-house would be the best abode, but the restrictions are too distasteful. The question remains—Where do they go? A writer in the *Standard* lately considers the entire subject thus: 'It is some satisfaction to know that in no case can they fare worse than heretofore; it is satisfactory to believe that a large percentage of its members are reclaimed, improve their condition in life, become orderly members of the community, and indeed fully qualify themselves for a tenancy in a Peabody flat. As for the others, they die out. We are dealing with the broad rule of the survival of the fittest, a rule against which it is as idle to fight as against the law of gravitation. As civilisation progresses it becomes more and more difficult for a vagrant population—no matter whether it be urban or rural—of any kind or description, to hold its own. We lose a certain picturesque element in human life, but we may doubt whether there is much to regret in the loss when we consider the vice, and sin, and misery, and cruelty, and brutality that are of necessity involved in this irregular fringe to this regular, orderly community.'

3. *Character of the Improved Dwellings.*—We will next consider the structural character of the buildings most suitable for the future home of the working classes, and the observations I am about to offer are the result of personal knowledge of the homes of those classes.

The poorer classes in Dublin are specially gregarious—they eat, drink, sleep together, without any regard to health or comfort, and very little to decency. Under the circumstances they could hardly do otherwise. The same roof covers from forty to seventy of them; they live—different families—in close relationship to each other; the roof covers a genus—a family—and their distribution through different rooms affects them very slightly. And the common ownership is not confined to the roof: they all have the same stairs, water source, sanitary accommodation; they borrow everything of each other—pots to cook with, clothes to pawn; they lend out lodgers, and they take in evicted neighbours.

There are many who maintain their habits of cleanliness

amid the filthy surroundings; but there are many more who have honestly tried to do so, but have been worn out in an unequal warfare, for everything in the house, from the hall door itself, wages war on a cleanly person. The house, too, suffers woefully from the family it contains; whatever care is bestowed on the rooms and their fittings, none is taken of the structure of the house. Every part of it gives ample evidence of the destructiveness which vindicates itself on common property, and in committing injuries which can never be traced to the culprit. Bad as this state of things is in Dublin, it is as bad and even worse in some parts of London. Dr. Rygate, medical officer of St. George's-in-the-East, London, when describing to the Select Committee on Artisans' and Labourers' Dwellings the insanitary condition of portions of his district, states his opinion that such condition is three-fourths attributable to the tenant, and one-fourth to the landlord; and in the St. George-the-Martyr district, a street containing 41 houses inhabited by costermongers, 40 privies are utilised as stables for the donkeys and one is reserved for the human beings.

The conditions I have mentioned as existing in many of the tenements in Dublin are unfavourable enough in time of health, but when disease attacks the inmates of the house they are incomparably worse. I am not qualified to speak on this point, but there are many in this room who could point out the startling effects of the outbreak of an infectious disease in a tenement house.

The cottage home seems to me to provide the best means for encouraging morality in the domestic life of the working class; a separate roof means a divorce from that commonalty of life which reigns in the tenement house—it confers a proprietorship on the man beneath it which he never felt in his fractional domestic career, and it materially increases his self-respect.

As regards his own family, the change is still more striking. They live no longer in one large room, where decency, if it exists, is represented by a sheet hung across the corner of a room; now, each additional room in itself, as it were, enforces decency—the very stairs cut off the rooms for sleeping and dressing in from those for eating and living in.

And while the benefits show themselves in the family, they extend also to the house itself. It is no longer common property; 'himself' takes jealous care of it, whitewashes it often, papers a room or two, and all this simply because it is 'a place of his own.'

But it is in sickness that the contrast between the cottage

and the tenement is so striking, and the comparison so favourable to the cottage.

If, then, it be granted that the tenement house is in its structure unfit for the accommodation of a large number of families, and that the very large majority of tenement houses could never be made structurally fit for such accommodation; if it be further insisted, as it so often has been, that the tenement house is responsible for so much disease and death in Dublin, does not the true aim of a scheme for improving the dwellings of the working classes here seem to be the annihilation of those abodes which are unfit for human habitation?

The concluding portion of this Paper will endeavour to show in what way ground for workmen's dwellings may be provided by the Local Authority.

1. Under the Artisans' Dwellings Act, on the area cleared.
2. Under the same Act, on the least valuable portions of such area.
3. Under the same Act, on estates already in possession of the Corporation, or acquired by them.
4. Under Local Acts.

1. *Under the Artisans' Dwellings Act, on the area cleared.*—This is the most expensive of all the modes of procedure, and has only been carried out, as far as I have been able to ascertain, in London and Norwich of all the cities and towns in England where the Act has been adopted, the other towns having obtained from the Local Government Board a relaxation of the rule requiring all the inhabitants displaced to be re-housed on the same area. In London the land was cleared at a cost of 2*l.* per foot, and the highest price that could be got for it was 6*s.* 8*d.* per foot; and in Norwich only half the site cleared could be disposed of, and that at a price estimated to cover the cost of the roads and sewers only.

It has apparently been proved to the satisfaction of the Select Committee on Artisans' Dwellings that, under a strict interpretation of this replacement clause, the Act would practically become a dead letter, and in their interim report to the House of Commons they recommend 'that, with a view of lessening the expense of carrying out the intentions of the Act of 1875, the confirming authority may well assent to the basement and ground-floor of any building being let as shops or workshops; and that in considering the amount of accommodation to be provided for the working classes displaced by any scheme, the confirming authority will be justified in giving a liberal interpretation to the relaxing power in the 4th section of the amending Act of 1879.'

The replacement clause in the Act of 1875 has also had the effect of preventing several corporations in England, who had taken the preliminary steps under the Act, from carrying out a scheme; and in one instance the improvement—contemplated under the Artisans' Dwellings Act, and for which even a Provisional Order Confirmation Act had been obtained—was carried out under a local Act.

The expense of an improvement scheme, if this clause be strictly adhered to, is very large, and for two reasons:—

(*a*) The ground, although divided by improved thoroughfares, so far from having its value enhanced, is considerably reduced in value for building purposes.

(*b*) The increase in the rateable value of the new buildings—which is always a very important item in estimating the cost of an improvement scheme—will not exceed that of the old houses to such an extent as if the ground were available for commercial purposes.

2. *Under the same Act, on the least valuable portions of the site cleared.*—Of course under this mode of procedure a large number of the inhabitants displaced must be housed elsewhere, and evidence must be submitted to the Local Government Board of the existence of the required accommodation. The only portions of the site cleared which are utilised for artisans' dwellings are those which it is impossible to let as sites for commercial purposes.

3. *Under the same Act, on estates already in possession of the Corporation, or acquired by them for the purpose.*—This plan is the most successful and most generally adopted. Under it the entire area is laid out in building sites for commercial purposes, and it is the only plan by which it has been possible to make an improvement scheme financially successful.

4. *Under Local Acts.*—Various corporations have taken powers, in cases of unhealthy courts and alleys or other premises, to compel the owner to improve or demolish them, or to value the premises, and tender him the amount for purchase of the premises, and in case he either refuse to do the work or decline the tendered amount, to carry it out themselves at his cost, and to allow him the value as previously assessed, and even in some cases to allow the value of the premises as old materials only, and the value of the site.

I have only in conclusion to respectfully offer the following suggestions with regard to improved accommodation for the working classes in Dublin, each and all of which can be carried out without any further legislation:—

1. That application be made to the Local Government

Board to amend the improvement scheme for the Plunkett Street area, so far as to permit accommodation for a portion of the inhabitants to be provided elsewhere, and for permission to utilise the front portions of the area as building sites for commercial purposes. It will be recollected that the density of this area is 450 per acre, and that the original scheme provided for the replacement of the same number in tenement houses.

2. That two model lodging-houses be erected—one on the north side, and the other on the south side of the city. It is suggested that the Oxmantown estate would afford a very desirable site for the former, and that a site at Wood Street might easily be obtained for the latter.

3. That ruinous tenemental property be gradually acquired by the Corporation by private ageement, in localities contiguous to each other. In Liverpool the Corporation have adopted this plan, and have found it very successful, having obtained an immense quantity of bad property at an average price of nine years' purchase. This they demolish, sell the old materials, and by this plan they are by degrees buying up the worst parts of Liverpool, with a view to extensive improvements. They never buy from speculators.

4. That the bye-laws under the Public Health Act, Ireland, relating to the repair and demolition of insanitary dwellings be actively exercised.

I have added an Appendix giving the results of observations on the work effected under the Artisans' Dwellings Act, and other local Acts, in various towns in England and Scotland, which I trust may be of some use.

APPENDIX.

I have recently visited the undermentioned cities and towns in England and Scotland where action of some kind has been taken under the Artisans' and Labourers' Dwellings Improvement Act, 1875, viz.: Birmingham, Brighton, Derby, Dover, Hastings, Liverpool, London, Newcastle-on-Tyne, Norwich, Nottingham, Swansea, Walsall, Wolverhampton, and Leith; and the following towns where similar objects have been carried out under Local Acts: Blackburn, Huddersfield, Leeds, Salford, and Glasgow.

When the Act of 1875 became law, it was looked on by the various local authorities as an immense boon, and the preliminary steps under the Act were taken in many towns; but in different stages of the proceedings the enormous cost of carrying out the scheme according to the strict letter of the Act became sooner or later apparent, and the local authorities sought relief from their responsibilities in some way or other.

Thus we find that in Brighton, Dover, and Hastings the Act has been practically abandoned—with some show of reason, however, as there are very few artisans living in those towns; the death-rates, too, of which are remarkably low. In Derby an improvement scheme was adopted for an area 7½ acres in extent, at an estimated cost of 38,000*l.*, and a Confirmation Act obtained from Parliament; but subsequently the corporation positively declined to carry out the scheme. And in Newcastle-on-Tyne, at a similar stage of the proceedings, the Corporation threw over the improvement scheme owing to the expense and difficulty of re-housing the displaced inhabitants on the cleared area, and carried out the improvement under a local Act; this was done with the sanction of the Local Government Board, who were satisfied that private enterprise had supplied accommodation sufficient for those displaced.

I now propose to consider the work done in the towns where improvement schemes have been or are being carried out, from the following points of view:—

1. Nature of scheme—repair and gradual demolition, or immediate demolition.
2. Proportion of areas acquired by agreement or arbitration.
3. Compensation.
4. Employment of area.
5. General financial results.
6. Action of Corporations in themselves constructing and maintaining artisans' dwellings.

1. *Nature of Scheme—Repair and Gradual Demolition, or Immediate Demolition.*—This question turns very much on the size of the area, for it is obviously impossible to at once make a waste of a covered area 43 acres in extent, as in Birmingham; accordingly, we find that the Corporation of that city are now the proprietors of an immense property, which they are gradually demolishing for the purposes of their improvement scheme. This property they repair, and attend to its sanitary requirements, but they do not intend to retain any of it permanently. The Corporation of Wolverhampton are treating an area 11 acres in extent, and containing 704 houses: they will repair and maintain temporarily 233 houses, until the ground on which they stand is required for the scheme (two or three years for the best), and they will further allow 77 houses to remain permanently; these last-mentioned houses are of a superior kind, and include a bank, &c. There is an immense advantage gained by this course, as the Corporation become owners of this property subject to the owners' tenant right, and can wait until the various tenancies have expired, thus saving compensation for the compulsory acquirement of such interests.

2. *Proportion of Area acquired by Agreement or Arbitration.*—In all the schemes efforts were made, with more or less success, to avoid the expense of arbitration. Thus Birmingham, out of lands which will cost from 1,300,000*l.* to 1,500,000*l.*, has acquired 1,000,000*l.* worth by agreement; Wolverhampton has agreed with 151 owners and lessees out of 187; and Nottingham acquired the entire area by agreement. On the other hand, Swansea, out of properties costing 85,000*l.*, has been able to agree for the purchase of only 30,000*l.* worth. In London, before

the Select Committee of the Artisans' Dwellings Acts there has been a good deal of evidence offered with regard to the best means of acquiring areas under the Act, the general tenor of which agrees with the opinions held in the provincial towns.

The great expense of the arbitration has been objected to on all sides, and the desirability of abolishing either the provisional or final award unanimously agreed to. Thus, Mr. Cubitt Nicholls, who has advised the Home Office on the schemes prepared by the Metropolitan Board of Works, says in his evidence before the Select Committee, 'he would do away with the preliminary award altogether, and the claimant should elect to go to a jury direct, or accept the award of the arbitrator as final. That would shorten and cheapen the procedure, and induce many to make agreements beforehand.' And Mr. Rodwell, Q.C., M.P., the arbitrator appointed by the Secretary of State in several of the London schemes, when making a similar recommendation, adds: 'The Board should send to the arbitrator sealed tenders informing him what they are prepared to give; he would then at once make his final award, and if they wanted an appeal to a jury they might have it.' But Mr. Vigers, who has advised the Metropolitan Board and the Peabody Trustees in the purchase of six sites cleared under the Act in London which the latter body has purchased, goes further, and says 'he would do away with both the awards; let the authorities negotiate, and if they cannot agree, let the claimant elect to go to either an arbitrator or a jury, and let their award be final.'

3. *Compensation.*—Considerable dissatisfaction has been expressed at the high standard of compensation fixed by the arbitrators generally, and to this cause may be referred the fact that most of the appeals against the final award have come from the Local Authority. I append a table giving the results of appeals in three towns selected at random.

Name of Town	Arbitrator's final award	No. of Appeals by Owners	Results	No. of Appeals by Local Authority	Results	Net Results
	£					
Birmingham .	37,940	3, against awards amounting to £19,500	Increased to £23,830	6, against awards amounting to £22,692	Decreased to £16,708	Decrease £3,282
Norwich . .	6,345	4	Increased by £30	13	Decreased by £865	Decrease £835
Wolverhampton	33,970	None	—	7, against awards amounting to £33,970	Decreased to £29,740	Decrease £4,230

The questions of compensation—(1) for insanitary dwellings, and (2) to the yearly, monthly, or weekly tenants of dwellings in which no business is carried on—are those which have raised most discussion.

There is very little difference of opinion as to what should be the principle of compensation to the owners of insanitary dwellings, but the fact remains that under the Act, sixteen years' purchase has been given for property of this class in the same town where the corporation has

acquired similar property for nine or ten years' purchase by agreement. All the witnesses before the Select Committee expressed their opinion very strongly on this subject, and one (Mr. Ashby, Chairman of the Commissioners of Sewers) says: 'The whole art and mystery of getting improper compensation, and unjust and unfair compensation, is employed whenever there is an improvement of any sort; we find it in all schemes, and it is this which makes us doubt whether it is wise to clear the areas in this way at all; it is a premium on evil-doing—a man gets a reward for letting his property be condemned.' Mr. Arbitrator Rodwell says that he found the claimants 'always willing to give him every information. The attempt to mislead is by the claim manufacturer, who goes about and makes out the claim. He has asked claimants, and they said that they did not know how much had been claimed.' The general tenor of the evidence is that a man should not be paid for creating a nuisance, and that there should be no value in a house unfit for human habitation; the ground alone ought to be paid for. It has also been pointed out that the land has been held to have a fictitious value, the arbitrators having allowed a large price per foot for single houses surrounded by wretched property, assuming that the owner could do something with it other than keep a wretched little house upon the land, which it was quite impossible for him to do. The clauses in the Amendment Act of 1879, directing the arbitrator in cases where property is a nuisance to deduct from the compensation the estimated expense of abating the nuisance, is regarded as a step in the right direction, although not far enough. I may say that all the witnesses before the Select Committee examined on this point agreed that the Local Authority should have power to close any house unfit for human habitation, by which course the value of the land only would be awarded. This principle is carried out in an Act in operation in the town of Salford, which contains a clause that if any court, alley, or premises require, in the opinion of the corporation, based on a report from their Medical Officer of Health, demolition, and if the owner, being called on to demolish, does not comply, the corporation may themselves enter on the premises, pull down the buildings at the owner's expense, awarding him the value of the site and of the old materials. In other provincial towns powers somewhat similar are exercised, but the award is based on the value of the site and premises.

There has been a very general expression of dissatisfaction at the large awards made by the arbitrators to yearly, monthly, or weekly tenants of places in which no business is carried on. Sir Henry Hunt, the Local Government Board Arbitrator, gave to such tenants 1*l.* for each year of their occupancy up to fifteen years, and some of the Local Authorities felt so strongly on the subject, especially in the cases of weekly tenants, that they positively declined to pay the money. There seems to be a difficulty in the minds of the arbitrators themselves in the matter, for Mr. Rodwell says of this class of occupiers: 'In law they are not entitled to a penny. That would be a great hardship, and he had taken upon himself the responsibility of allowing something in all cases. *If the Act specified what should be paid to those not carrying on business, it would save an immense amount of litigation, time, and expense.*'

On the general question of compensation it has been found, especially in London, that the amount of fictitious appeals is so enormous—not more than 3 per cent. of the small appeals being *bonâ fide*—that it is suggested to raise the standard of appeal from 500*l.*, as at present, to 1,000*l.*, and where the appeal is unsuccessful not to award the sum of 20*l.* towards the claimant's costs which the Act now provides for. In one case of a 500*l.* claim the only award made was that of 20*l.* costs!

4. *Employment of Area.*—Of all the cities and towns which are carrying out improvement schemes, London and Norwich only have devoted the ground cleared to the provision of accommodation for the displaced inhabitants. Some authorities possessed estates which they laid out and disposed of for the purpose; others purchased land for the same object; others were able to satisfy the Local Government Board that private speculation had supplied the want; one, only, housed a portion of the people displaced on the least valuable portion of the cleared area; and thus all, with the exception of the two above stated, were enabled to practically get rid of all restrictions whatever as to the provision of artisans' dwellings on the area cleared. In this way street improvements of a very extensive character are carried out, to the great sanitary and commercial benefit to the town, and at a comparatively moderate cost; and provision is made for the accommodation of the working classes on cheap sites.

The Amending Act of 1879, the recent recommendation of the Select Committee to allow the basement and ground-floor of any buildings erected on the cleared areas in London to be utilised for shops, and the action of the English Local Government Board in relaxing all the restrictions on the subject in the provincial towns, prove that the authorities have recognised the impossibility of rehousing the displaced inhabitants on the cleared area. Indeed it has been urged before the Select Committee that the Local Authority should be armed with compulsory powers to purchase land on which to house those displaced.

5. *General Financial Result.*—This of course depends in a great measure on the employment of the area; if the scheme be confined to one of erection of artisans' dwellings, it cannot be expected to be as successful as if the area were available for shops, &c., and accordingly we find that in those cities and towns where the former course has been adopted, the financial result so far seems very disheartening. Thus in London, in the City proper, two areas have been cleared and 1,734 inhabitants displaced at a cost of 284,544*l.*, or 2*l.* per foot, and the highest rent offered for them is fourpence per foot per annum. Both areas are still unlet. In the Metropolitan district six areas have been cleared at a net cost of 562,000*l.*, and these have been sold to the Peabody Trustees for 96,541*l.* Again, in Norwich 500 inhabitants have been displaced at a cost of over 11,000*l.*, and it has not been found possible to dispose of more than half of the site at a price which will only pay for the roads and sewers.

On the other hand, in towns where the inhabitants displaced can be housed elsewhere, and the cleared area utilised for opening up large thoroughfares, with shops, &c., the ultimate cost of a well-considered

scheme will not be considerable. In one town—Nottingham—a scheme has been completed at a profit to the Corporation; the total cost of the undertaking was, however, only 4,374*l.*, but its success has induced the Corporation to undertake a second scheme of much larger extent.

There is a very important fact materially affecting the cost of the various improvements which are being carried out. At the time when the condemned properties were being purchased, commercial prosperity ran very high, and the value of the properties was proportionately enhanced; but the cleared ground is now being disposed of at a period of universal depression, and the prices obtained are much reduced.

With reference to estimating the cost of a scheme, it has been urged before the Select Committee that the increased rateable value of the new buildings, the value of the space thrown into public streets for street improvements, as well as of that devoted to recreation ground, &c., should all be deducted from the cost of the scheme. For example, the Peabody Trustees have purchased six areas from the Metropolitan Board of Works, and the Board estimated the nett cost of these areas at 562,000*l.* But it is pointed out that the value of the ground thrown into public streets by the Board is 180,000*l.*, and that devoted to open spaces by the Trustees, 133,000*l.*; that the increased rateable value is, at twenty years' purchase, 66,000*l.*; and that all these deductions should reasonably be made from the cost of the scheme.

Action of Corporations in themselves Constructing and Maintaining Artisans' Dwellings.—There are only three corporations in England, as far as I have been able to ascertain, who have adopted this policy—Liverpool, Nottingham, and Huddersfield. In Liverpool they have provided accommodation for 146 families at a cost of 17,928*l.*; cost of collection and management is not charged against revenue; the scheme paid in former years 6 per cent., but now only 4½. In Nottingham they have provided, on the 'flat' system, accommodation for 90 families, at a cost of 10,000*l.*, not including cost of land; cost of collection and management is not charged against revenue, and the scheme covers its expenses. In Huddersfield they are building 100 self-contained cottages at an estimated cost of 140*l.* each, and borrowing the money therefor from private sources at 5 per cent. principal and interest, repayable in sixty years. The Corporation do not seek to make any profit in the matter, and are letting the houses at 4*s.* 3*d.* per week, which they calculate will cover the expenditure. The cost of collection and management is not taken into account. The cottages would let in Dublin for at least 10*s.* per week, but would not be built for less than 250*l.*

The Corporation of Liverpool have had under their consideration two reports from their engineer recommending the expenditure of 127,000*l.* in providing, in five-storey buildings, 43 shops and 373 artisans' dwellings at an estimated annual loss to the Corporation of 660*l.* If the buildings are 4-storey, the loss would be 1,160*l.* The site for the proposed buildings is the area, 4½ acres in extent, which has been cleared under the Artisans' Dwellings Act at a cost of 92,000*l.*, and which is at present used as a stone-yard. The engineer does not recommend the adoption of his report unless all attempts to carry out a scheme by 'private enterprise completely failed,' and adds: 'The loss of leasing or selling

the land for the erection of buildings to private capitalists will be considerably in excess of the sum stated above. At the same time the Corporation would be relieved from the necessity of entering upon extensive building operations, which have many elements of risk attached.' The Corporation have postponed consideration of the subject.

Although Huddersfield is the only Corporation who has taken action in supplying accommodation for the working classes at a price less than the market value, the Peabody Trustees in London are carrying out the same policy on a large scale. The amount of the legacy was 500,000*l.*, and Mr. Peabody expressed a wish that the poor should get the benefit of any profit of over 3 per cent., which means that the Trustees give 2 per cent. in charity, the earnings of commercial companies established for providing dwellings for the poor being 5 per cent. The Trustees house 9,905 people, and expect to have more than 20,000 tenants when all their sites are full; their rents are from 30 to 40 per cent. lower than those of the commercial companies. Their income is now 25,000*l.* a year, and it will not be many years before it is 100,000*l.*; it is added to the fund each year.

In conclusion, there seems to be no difference of opinion as to the necessity for the Act, although many of its provisions demand improvement. Under no previous Act has it been found possible to deal with large areas; and the importance of breaking up old slums, of rearranging the buildings, of leaving open spaces, and of opening up thoroughfares cannot be over-estimated. In operating for cancer, says one witness, it is necessary to cut away a little bit of healthy flesh; and here it is necessary to demolish sanitary property in order to get in light and air. The opinion of those who have given the measure their most careful study may be expressed in the words of one of the witnesses, who says: 'Those who do not believe in the Act now will live to believe in it.'

DISCUSSION.

Mr. J. R. Wigham (Dublin) said he did not wonder that this subject, which so pressed on the inhabitants of Dublin, should be brought before this Association. No wonder that when the Royal Commissioners reported that there were 10,000 tenement houses in Dublin occupied by 100,000 of the poorest of the population, some interest should be taken in the condition of such tenements. Of those 10,000 houses, 2,300 had been declared unfit for human habitation, so that about 30,000 persons were living in houses unfit for the occupation of human beings. Remembering that the Royal Commission had declared these houses to be plague-spots of Dublin, it was necessary to consider what remedy could be devised. He did not notice that the papers read insisted particularly on *further* legislation, but they rather advocated the putting in force of present powers. He could not join in the wholesale condemnation of the Corporation of Dublin, which some persons indulged in. In respect to the exercise of their sanitary powers, the Corporation was doubtless not perfect: what human institu-

tion was perfect? but they had erred perhaps on the side of moderation. They had power to close those tenement houses which were unfit for human habitation, and why had they not done so? The 2,300 houses referred ought to have been closed. Dr. Cameron had said that 800 had been closed: so far, well; what was to be done with the remainder? He ventured to say they ought to be closed forthwith. But then arose the question what were they to do with the people who would be displaced, and what would be the cost of re-erecting the dwellings? He would be the last to give pain to any class, especially the poor, for whom all should feel sympathy; but it was a fact that that class of people were not particular in the matter of accommodation, and could for a while bear some additional crowding without inconvenience; displacement was a sort of necessary evil; but would not be of long continuance, because the Artisans' Dwellings Association was rapidly providing places for such people, and no doubt similar efforts would be made by all other companies as the necessity became apparent, and independently of that individual effort would be exerted in the same direction. Associations could not do such good work as a largely extended individual effort could do. He himself had had (with some others) occasion to buy a property in a crowded part of Dublin for business purposes. A tenant had the front part abutting on the street. He was a house-grabber, who bought up houses and let them out in tenements at a handsome profit, not caring whether or not they were fit for habitation. He had a long lease, and could not be displaced. Again and again complaints had been made as to the insanitary state of those houses; the owner got some whitewashing done, and that was all. He would like to see the sanitary authority of Dublin close up such places peremptorily. If so, those harpies who battened on the poverty of the poor would find their occupation gone. For example, if he could have obtained those premises, and re-built them as dwellings for worthy people, a handsome return could have been obtained on the outlay without charging higher rents than those now paid. He would like the people of Dublin to look at the matter in that point of view, and endeavour to rebuild much of that kind of property. They must remember the intimate connection between the prosperity of the working classes and the prosperity of the whole community. In the same connection, he would point out the close relation between the public-house and the squalor of these tenement houses, and that however good they might make the dwelling house, the men who spent their wages in the public-houses would not live in them. All sanitary reformers were in his mind bound to do all in their power to put down public-houses as the great source of the squalor and misery to be found in our large cities, both in the homes and persons of thousands of their inhabitants. Further, unless the houses of the poor were plentifully supplied with water, they would fail in making them proper dwellings. Great care should be taken that the water should be pure, and he would be glad to see in Dublin a frequent analysis of the water supply, because the hydrants for the fire brigade were placed in such a position that impurities might easily be introduced into the mains, and thence into the house-supply. The water should be laid on to

every floor of the house, and every convenience for cleanliness afforded. This, and all the other matters so well pointed out by other speakers, should be attended to; but his chief object in addressing the Section was to urge individuals to action; that without waiting for the formation of public companies, any one who possessed or could purchase old dilapidated houses, should throw them down and build suitable dwellings for working people, and that in this way they would not only be doing great good to that class, but securing for themselves a fair and reasonable interest upon their outlay.

Mr. E. D. Gray, M.P., said the sanitary authority of the Corporation had no power to close houses. All they could do was to summon the offender, and try to get a magistrate's order for the closing of the house. As a rule the magistrates were inclined to take very lenient views of sanitary offences, to impose only nominal penalties, and to admit excuses of a very flimsy character. But assuming that they had the power of at once closing the 2,000 condemned habitations, what would become of the 30,000 occupants? They would be driven into places which were already overcrowded. Dr. Cameron had told him that that very morning he inspected, with a view to its condemnation, a house in which there lived an unfortunate man supporting a family on a few shillings a week, and the man exclaimed—'My God, sir, have you come to hunt me out from the third home within the last twelve months!' It was impossible to proceed in a rough and ready fashion. The Corporation had to accept for the present a bad state of affairs, lest by too hasty action they might induce a worse. The Artisans' Dwellings Act was too expensive in the working. Compensation for property taken under it by compulsory purchase came to four times the value because separate claims were made for all the interests. The procedure should be the reverse—the gross value should first be computed and the claimants left to derive the result. Within the last week the Corporation had had under consideration the feasibility of adopting the Labouring Classes Lodging-houses and Dwellings Act, 1866, under which workmen's dwellings could be erected on land acquired, not by compulsory purchase, but by agreement at the ordinary market rate. The Corporation had to choose between becoming landlords themselves and letting the existing system continue. He believed they should be forced into a large expenditure to provide dwellings for the poorer classes, but he thought it could be done without any heavy burden to the ratepayers. Reductions of poor rate and sanitary expenditure would be compensating advantages. As to the general moral condition of the people, no reform in their habits could be effected until they were given better dwellings. To expect that an unfortunate working man coming home to a den unfit for a human being to live in would stay there with his family when he could drown his cares in a public-house round the corner was to expect that he would be stronger than most of them were. If those whom he was now addresing were exposed to a similar temptation, a large percentage of them would give way. But if they gave the poor man a good house, they would stimulate him to do better. He (Mr. Gray) believed that the cottage dwelling was the solution of the question. Large barracks

of houses looked like prisons, and those who lived in them would not have the stimulus to improvement that the possession of a cottage home would have. There was in Dublin a good deal of vacant space for the erection of cottages, and he believed they could be made to pay a reasonable interest. With the exception of the homes which he hoped would be provided for single men and single women the cottage was the proper thing for towns situated like Dublin.

Mrs. EDMUNDSON (Dublin) agreed in the wisdom of the suggestion of lodgings for single men and women. She knew the dreadful rooms in which that class now herded, and it was only a matter of common humanity to do something for them, especially as the rents they had to pay for the wretched accommodation were very high. She hoped the suggestion would not be allowed to drop.

Mr. WIGHAM (Dublin), in reply to Mr. Gray's remarks, was glad to hear that the Corporation was likely to go on with a scheme of building houses for the people. The expense of the Act of 1875 rendered it almost nugatory. He hoped the Corporation would combine with their plan the suggestion made by the Recorder for providing recreation grounds for the people. Such recreation places had had very excellent effect in Birmingham.

The LORD MAYOR OF DUBLIN (the Right. Hon. George Moyers, LL.D.) said the Corporation was anxious to deal with this question in a comprehensive way. It might be regarded from both a moral and a financial point of view. Improved dwellings would undoubtedly improve the moral condition of the people. Financially the question might be approached hopefully. It was quite possible for a public authority to make use of the powers of the Act of 1866, and similar Acts. Though it might be objectionable that public bodies should become landlords, there were solid advantages to be gained under the Acts which would almost compel public authorities to take the matter in hand, and in doing so they might arrive at a financial success. Obtaining sites would be the greatest difficulty. There was of course very great difficulty in obtaining them at their true value. But the Corporation in Dublin were likely soon to come into possession of sites of their own, and then the question would press itself upon them more forcibly than ever. He believed that healthy dwellings could be built to give a return of 3½*l.* to 4*l.* per cent.; and there would be at the same time a saving in other ways—in better health, and larger earning powers in the working classes. The enormous death-rate of the city of Dublin was due, as appeared by the report of the Royal Commissioners, to its unsanitary dwellings, and this would be to a large extent decreased and remedied by a superior class of dwellings being erected amongst us.

Mr. O'BRIEN FURLONG (Dublin), secretary of the late Royal Sanitary Commission, said the tremendous evils of overcrowding had been forced on the attention of that Commission, and their report attributed the high death-rate mainly to the condition of the tenement houses. The Public Health Committee had done good service by closing many of these houses. The Artisans Dwellings Company began to establish barrack-houses similar to those erected in London. Having investigated the condition of the inhabitants of those blocks, as well as that of

the inhabitants of the cottages in Kirwan Street, his opinion was altogether in favour of the cottage plan. He was told that the cost of the cottages was 103*l.* per tenement, whereas a tenement in the block-buildings cost 125*l.* Therefore on financial grounds the cottages had an advantage. In the cottages he observed great progress in neatness and cleanliness, and the people seemed thrifty, happy, and contented. These houses stood close to a large prison and a workhouse, and he could not but think that if all poor people could be provided with such homes there would be less need for large prisons and asylums. The Artisans' Dwellings Company had only succeeded in paying a dividend of 4*l.* per cent., but 4 per cent. was not enough from a commercial point of view. It would probably be able to pay 5*l.* per cent. soon, but more could not be reasonably expected. In regard to the Corporation undertaking work of that kind, there was the danger of their doing so at an unremunerative rate. They must not adopt too low a rent. The secretary of Sir Sidney Waterlow's Company in London told him, 'Every sixpence you add on to the rent you take from the public-house.' If men got their rooms too cheap they would have more money left to waste. There were two classes to deal with—the respectable class, and the nomad class, with little to do and little to earn. The latter must be housed as well as the former. He knew of no better method of providing houses than by following the plan adopted at Kirwan Street.

Mr. T. W. Russell (Dublin) did not see why everything should be done for the working men. Working people should be urged to try and do something for themselves. Why not try and provide facilities for working men to own their own houses? Why not get up co-operative building societies, as in Glasgow and Manchester, where hundreds and thousands of men had built their own houses? There seemed to be an agreement that cottage homes were good; but their space was difficult to get, in consequence of 'vested interests.' If the houses were made ready for the people the people ought also to be made fit for the houses. Both ought to be done, and done alongside of each other, or else the work would go wrong. The public-houses were the places that ought to be closed.

Mr. Rawson Carroll (Dublin) said the private speculations in artisans' dwellings, carried on in the most economical method, had only produced a doubtful 4*l.* per cent. It had even been said that they could scarcely be sure of 3½*l.* per cent. They must not rely therefore on private enterprise; and it seemed plain that this work must devolve upon the public bodies.

Mr. Alderman Harris (Dublin) observed that an inquiry had recently been held by the Local Government Board with a view to enable the Corporation of Dublin to carry out the very suggestion Mr. Carroll had made. But there was another class of persons—the subordinate employés in public establishments—that required accommodation just as much as the working classes. He knew many men of that class who were obliged to spend one-fourth or one-third of their income for rent, for very inadequate accommodation; and if any public

building scheme was carried out, provision of a better style of house for the class he had named ought to be included.

Mr. CLARENDON (Dublin) thought it would be a great pity if the impression made by Mr. Carroll should prevail, as he had evidently based his statement on a cost of 104*l.* per tenement in Dublin, whereas in Belfast houses for the labouring classes had been built for 70*l.* to 80*l.* per house, and these to a great extent had been built by private speculators, who had produced a good return. Under the Labourers' Dwellings Act private builders could borrow money of the Board of Works, and could repay the principal and interest in thirty or forty years.

Mr. S. HAUGHTON (Dublin) said that a profit of 4*l.* per cent. would not have been thought enough some years back, but it should be considered a fair profit now. There was rather too much tendency to take care of and to patronise the working people; it might be better to allow them to be more independent, and to do more for themselves; and if people would avoid the public-house they could afford to pay such a rent as would yield even 5*l.* or 6*l.* per cent. Such a profit ought to induce private companies to undertake the work, and he did not think it was the duty of a corporation to do it. No doubt a great deal of the failure of corporations to do their duty was owing to the unwillingness of the ratepayers to pay more rates; but he thought they should have sufficient sense not to undertake the additional difficulty of managing building speculations. Their duty should be confined to clearing spaces (and even that would necessitate further rating), and leave the building in private hands.

Mr. H. H. COLLINS (hon. secretary of the department) said that if they looked back to the transactions of twenty-five years ago they might read almost the same speeches as had been made to-day. They required no evidence in the present day of the necessity for a better provision of homes for the poor. One of the difficulties they had to contend with was that in London, and perhaps in Dublin, many of the houses had degenerated from first-class houses to second and third-rate houses, and they were rented and let out in tenements until they became over-crowded. There was no law to prevent that system in London, though he believed there was a law in Glasgow and Edinburgh requiring a certain cubical space for each person. The result was that such tenements became hotbeds of disease and immorality. That was a subject on which the Council hoped to gain information in Dublin. He was sorry Mr. Rawlinson was not able to attend, as he would have enlightened the meeting and directed the discussion into a practical groove. One of the reasons why the Artisans Acts had given dissatisfaction in London was that its machinery was very cumbrous. It was all very well, however, to cry out about people making the most of their property, it was only natural, and every one in the same position would do so. No district could be improved or swept away until the officer of health declared it to be in an insanitary condition; then the Secretary of State had to be applied to, and claims had to be settled, and an enormous amount had to be raised by rates, and the ratepayers regarded the whole proceeding but as another means of affording indoor relief for people who neither worked nor wished to do

so. Torrens's Act was a very beneficent one, but there was still the difficulty of dealing with the persons interested in the property. However, he thought more advantage might be taken of it than had been, as it was perhaps easier to carry out and less expensive in its results. He did not think the public-houses were responsible for the condition of the tenement houses. It was rather these houses which engendered and even created the low habits of the people. The proper way would be to build such houses as would attract the people to them. In his opinion it was a grave mistake to build enormous blocks of houses like barracks. One man who objected to this class of building said, if he had a herring for breakfast he did not care to let all the people in the block know it. If the Corporation became builders of artisans' dwellings, they should erect small houses containing three or four rooms for each family. In London such houses were built by a society called the Industrial Dwellings Society; and probably such buildings would be applicable to Dublin. He would propose

'That in the opinion of this section it is desirable that the Corporation of Dublin should seriously consider the propriety of providing dwellings for the labouring classes under the provisions of the various Acts of Parliament relating thereto, and that the Council be requested to submit to the Corporation this expression of its opinion.'

Mr. PAGLIARDINI (London) seconded the resolution, and agreed with Mr. Collins that it was the house that made the inhabitant, and not the inhabitant the house. But he could not agree in the proposal to build small houses, for they would cover an immense space of ground, and would fall into dilapidation attended by all the miseries of insanitary houses. That had been the experience at Mulhouse, where the experiment had been tried, and the result was the people stopped up all the ventilators, and committed all sorts of irregularities, from crowding lodgers into small rooms to feeding pigs in the small gardens attached to their houses; whereas Mr. Godin's magnificent Familistère at Guise, in which are combined all the requisites of health, morality, and domestic comfort, is in as perfect repair, as pure and as healthy now as it was when first built twenty years ago.

Mr. THOMPSON (Manchester) objected to the Association giving the Corporation of Dublin advice in regard to the building of labourers' cottages. In Manchester they had been in the habit for a long time of getting rid of all small buildings. They had never retained for any long time property which they had bought in Manchester for improvements. A friend of his own in the South of Ireland built some cottages for the labourers on his estate. In about three months time after occupation he visited one of the cottages, and found in the corner of one of the rooms a sow and a litter of pigs. Probably that might not happen in a place like Dublin.

The HON. THE RECORDER (in reply) was more than satisfied at having been able to initiate so important a discussion; and expressed his pleasure at having the assistance of gentlemen from the other side of the water.

Dr. CAMERON, in reply, said the Corporation of Dublin had waited for private enterprise, but it did not come. If the sanitary

authority evicted from houses, they ought to be called upon to provide some other houses. But a certain area must be declared to be unhealthy before the sanitary authority could act; and then the claims made were enormous. Moreover, it was difficult to procure fresh sites for new buildings. Some people said: 'Why don't the Corporation close these old houses all at once?' If so, there would be thousands of them to close. But in Dublin, they had already done what in no other town had been done. They had closed hundreds of houses without giving a penny of compensation to the owners, but it involved increased work on the officials of the Corporation, and an application in each case to the magistrates supported by the strongest evidence; and it was only when the houses were obviously bad that they could succeed in closing them.

The CHAIRMAN (Dr. Grimshaw) thought the discussion had proved that the poor could be housed with success; but also that so far as the experiment had been carried, it had been by no means sufficient. Probably the suggestion contained in the resolution would supply the deficiency, though he would give no opinion upon it. For his own part, he was not in favour of municipal authorities being proprietors of any concern which yielded a profit. On the other hand, any sanitary improvement would tend to diminish the rates, because it would diminish both crime and pauperism. The scheme which Mr. Russell had alluded to would probably bring in to the Corporation an improved income in the shape of increased rates on the increased value of the property of 600*l.* a year, besides being an improvement to the locality. As to open spaces, and music, and so on, he believed all those things would be an advantage for the people; but they had not been so fully discussed as the matter of providing houses. They were matters in which he had taken great interest, and would afford opportunities hereafter for further discussion.

The resolution was then carried with one dissentient.

MISCELLANEOUS.

Dr. CAMERON, M.P., President of the Health Department, read a Paper on 'Animal Vaccination,' or the practice of cultivating on calves lymph from cases of cow-pock occurring naturally in the cow and the use for human vaccination of the calf lymph thus obtained. Natural cow-pock was so rare that had Jenner depended upon it, his discovery of its protective power could have come to nothing. Happily he discovered that cow-pock could be propagated upon human beings. Had the idea of propagating it on calves occurred to him it would have greatly facilitated his early labours, and have saved him from an accidental contamination of his lymph with small-pox, which nearly proved fatal to vaccination. His practice once established, Jenner had

no occasion to change it, for he obtained wonderful results. As correctly summarised by the writer on vaccination in the 'Encyclopædia Britannica,' in the epidemics of Rotterdam, Montpelier, and Edinburgh, occurring between 1818–23, and described by different contemporary authors, the mortality among a large number of vaccinated persons attacked was only about 1 in 330 cases. On the other hand, among the small-pox cases treated in the London hospitals during the epidemics of 1870 to 1879 three fourths of the patients had been vaccinated, and of these about 1 in every 10 died. In Jenner's day vaccination was conducted in what we should now consider a very inefficient manner, and yet the protection it conferred, as measured by the death-rate in cases of small-pox occurring in vaccinated persons, was ten times more efficient than that secured by the most complete form of vaccination practised at the present day, and twenty-five times greater than that afforded by our vaccination good and indifferent. As at present practised, vaccination still afforded a great protection against small-pox, but nothing comparable to that obtained in the early days of the practice. On the other hand, Dr. Cameron quoted from the experience of Belgium, Holland, and the United States, to show that the protection which animal vaccination afforded was even more complete than that recorded by early writers, and this he accounted for by the fact that those who practised it had adopted all the improvements which experience had engrafted on the system pursued by Jenner. He accounted for the falling off in our results by a deterioration of the vaccine virus cultivated for thousands of generations on what Chauveau's researches had proved to be an unnatural soil. As illustrating this falling off, he exhibited a table giving an analysis of over 10,000 cases recorded in London in 1852–67 and over 4,000 recorded there in each of the periods 1871–78 and 1877–79. In cases exhibiting marks of cicatrices the mortality had in the first period been 7·6, in the second 8·15, and in the third 8·45. In cases classified as bearing good cicatrices the figures were respectively 1·8, 3·32, and 4·70; in the best class—those recorded as showing four good cicatrices 0·87, 1·5, and 3·33, and so on, the falling off manifested being most alarming in the best vaccinated class of cases, while the percentage classified as good in each successive period also showed a marked falling off. These facts, Dr. Cameron maintained, were themselves sufficient to call for a change in our system. The motive which had originally given rise to the cultivation of lymph on calves was a desire to avoid all possibility of the inoculation of a

loathsome human disease which had been frequently communicated through the ordinary virus. Such mishaps were in this country very rare, but the fact that they might occur, in the writer's opinion, rendered it the duty of the State which enforced vaccination to provide against all avoidable accidents. As to the possible dangers which anti-vaccinators had suggested might attend on animal vaccination, the answer was that when it was practised, as in Belgium, Holland, and the United States, no such accident ever had occurred, and, assuming their theory to be correct, the danger attendant on the operation was no greater than that which lay in every cup of milk or mouthful of meat consumed. No danger from inflammation attended the use of the cultivated animal virus—in fact, there was much less trouble from that than under the ordinary practice. For purposes of revaccination animal lymph presented a threefold advantage. It 'took' in a greater percentage of cases; universal experience showed that much larger numbers of persons got themselves revaccinated when it was available than when it was not, and when required it could be produced in unlimited quantities. This was not the case with humanised lymph, which was always difficult to obtain when the presence of an epidemic rendered an abundant supply most urgent.

A Paper on 'First Aid to Injured Persons' was read by Major F. Duncan, LL.D., Royal Artillery.

The Paper treated, first, of the introduction into England, by the Order of St. John, of improved vehicles for the transport of injured persons, with a view to minimising the risks of compound fractures and other complications. From this sprang the instruction of people of both sexes and all classes in the *first treatment* of injured persons; and the Paper gave details as to the syllabus and method of instruction. The central committee is composed of members of the Order of St. John; and the vast network of centres, with local committees, in Great Britain, Ireland, and the Colonies, constitutes the St. John Ambulance Association. Over 30,000 pupils have already received certificates of efficiency; and, while numerous instances of their usefulness occur daily, not a single complaint has ever been made against them for presumption or disloyalty to the medical profession.

The lecturers are almost invariably local surgeons; but the examiners are detailed and the certificates prepared by the central committee. This ensures uniformity; and the same end is furthered by the use of one syllabus, and of special

manuals and ambulance *matériel.* The decentralisation of the work tends greatly to foster local energy.

The Paper also dwelt on the subjective value to the student of labour so thoroughly unselfish and practical.

The following 'Notes on the Precautions which have been taken against Infection being conveyed by Milk and Suggestions as to the Necessity for further Protection against the Dangers of spreading Disease,' were contributed by Mr. James Collins, Inspector of Dairies, Cow-sheds, and Milk-shops under the Guardians of the North Dublin Union. Public attention has during the past three years been awakened to the fact that disease and death have been brought about through the medium of milk. At the time medical investigation revealed this fact considerable doubt was thrown upon the conclusions of those engaged in the work, but as case after case occurred, all of which were easily traced to the one fruitful source, viz. milk, there was no hesitation in arriving at a conclusion upon the matter.

In this city, as far back as the year 1865, Dr. Robert McDonnell directed attention to the outbreak of cholera which occurred amongst some of the prisoners confined in solitary confinement at Mountjoy Convict Prison; which outbreak, there is reason to believe, was occasioned by the medium of milk adulterated with contaminated water. This latter source of danger is now to a great extent removed, as all dairy yards, with some few exceptions, are supplied with Vartry water (pump water being in those not having Vartry). Although the warning was at this time given, no action was taken in this country. About this period investigations were being carried on in England as to the possibility of milk being a medium of disease. While this work was in progress abroad we were brought face to face with the evil at home. About Christmas 1878 several cases of typhoid fever occurred in houses in Raglan Road and Elgin Road (Dublin). Dr. Cameron took the matter in hand, and soon discovered that that which affected no less than sixty-seven persons with typhoid poisoning was milk supplied from the dairy of 'Mr. X——,' who had been ill with fever about three weeks before the foregoing date. The results of Dr. Cameron's investigation were, 1st. The total absence of sanitary accommodation in connection with the house or dairy yards. 2nd. That the outbreak was caused by the milk being contaminated first by the actual particles of the dejections of the patient getting into it—a strong wind blowing into the yards would certainly waft particles of coal ash and similar substances from the dungheap (the refuse from the dwelling house was

daily deposited upon same), and distribute them throughout the yard. To these particles minute portions of human ejecta might have adhered. The milk vessels and the milk itself might have had some particles deposited therein. There was no disputing the fact that contagion was spread through the milk supplied from Mr. X——'s dairy. The question was then asked, What could be done to prevent, if possible, a repetition of this case? Strange as it may sound, I believe there is no provision in any purely Sanitary Act specifically dealing with the arrangements of dairies or dairy yards. It is not generally known that to Dr. Cameron is due the credit of the action taken by the Privy Council in this country (after this outbreak of typhoid fever). His investigation concluded towards the end of January 1879, at which time he called the attention of the authorities to section 34 of the Contagious Diseases (Animals) Act 1878, which gave the power to the Privy Council to make orders relative to the dairies, cow-sheds, and milk-shops. On the 6th of the succeeding month (February) the Privy Council issued an order known as the Dairies, Cow-shed, and Milk-shops (Ireland) Order 1879, which is still in force. The responsibility of carrying out its provisions lay upon the guardians of the poor, they being the local authority for the purposes of the Contagious Diseases (Animals) Act. The guardians of the North Dublin Union (under whom I act) lost no time, and appointed me as their Inspector on March 5, 1879, having in the meantime issued an admirable code of regulations with reference to cleaning of dairies, sheds, &c., also the contamination of milk. These regulations have to a great extent met the objects for which they were framed. But further precautions are necessary to protect milk from contamination, and I must respectfully call the attention of those who have the power to do so to apply a remedy to evils which exist at present, which in my humble opinion the Privy Council Order as at present in force cannot put down or reach. The order and regulation of local authority states: '19*a*. That it shall not be lawful to allow any person suffering or recovering from a dangerous infectious disorder, or having been recently in contact with a person so suffering, to milk cows, to sell or deliver milk from a cart, or otherwise, or carry, cleanse, or handle vessels used in connection with milk, until there is no risk of infection or contagion being communicated by such person; nor shall it be lawful for any person to deliver milk as aforesaid, who is living in the same house with a person affected by, or recently recovered from, such contagious or infectious disease; and it shall not be lawful to employ any person to deliver milk, or handle

vessels, or to be otherwise employed in connection with same, who has recently recovered from an infectious or contagious disease, or who is, or has been, living in a house, an inmate of which is, or has been, recently affected with such disease.'

This regulation is a capital one as far as it goes. But how is the dairy proprietor to know whether his attendant does not walk straight from the hot-bed of disease and milk his cattle with contaminated hands, or the seeds of disease lurking in his clothes, and spread the poison at the fountain-head, viz. the milk-pail? This part of the order is, in my opinion, the most difficult to carry out, at the same time it is one of its most essential clauses. The order compels each local authority to 'keep a register for the registration with them under this order of all persons from time to time carrying on in their district the trade of cow-keepers, dairymen, or purveyors of milk;' by means of this register we are able to check the spread of disease when it occurs in or upon the premises so registered. The regulation of the guardians of the North Dublin Union upon this point is as follows: '19. That on the outbreak of any infectious or contagious disease in or amongst the family or any of the attendants engaged in or upon the premises, registered either for the keeping of cattle or for the sale of milk, the dairy proprietor shall, with all practical speed, give notice of said disease to the clerk of local authority; and pending directions from said local authority, he shall suspend the issue and sale of milk from his dairy-shop, or other premises.'

Since my appointment under these regulations, I have closed twelve dairies where disease occurred. The great difficulty I find is to get at attendants who do not reside 'upon' but away from the dairy premises; to meet this some new order or enactment is necessary, by which they would be compelled to notify their address, and register same (as drivers of hackney carriages do); and if disease existed amongst their family or house, they should be bound to notify same, and further, that they should be answerable (while employed in discharge of business appertaining to the milk trade), and if they violate any of the regulations of local authority as far as it concerns them, should be dealt with in the same manner as the dairy proprietor. The number of male attendants on the north side of the city is 180, about 40 of whom reside with employer, and as a general rule they reside in places the surroundings of which are not of the healthiest nature. I presume it is the same elsewhere. If their addresses were known, when disease occurred we might try and check the danger of its being brought into the home of the dairy proprietor, or spread amongst his customers.

Another important matter which the Contagious Diseases (Animals) Act, Orders in Council, or Regulations do not mention, is the cleanliness of persons handling milk, only the vessels and place for the keeping of milk being named. If there are means of propagating disease, it is in the habits of many of those who are most careless and dirty at milking time, with hands contaminated by manure and dirt, and occasionally dipped into the milking pail, thereby loosing the matter adhering to their hands, and allowing it to pollute the milk. This practice ought to be put down with a strong hand, as it is a most dangerous and pernicious one. What would not be the effect upon an invalid or a child using milk thus polluted! The attendants at milking time ought to be compelled to wear cotton overalls, as the clothes of those engaged about the dairy-yards cannot add much to the purity of the milk. I believe the Explosives Act 1875, contains such a provision for the attendants engaged in storing and delivering gunpowder, &c. Another important matter over which the dairy inspector has no control is the proper sanitary accommodation in dairy yards for those employed about them, the manure heap in many instances being used by them. This is most dangerous when you take into consideration the means by which the typhoid poison was disseminated from the yards of Mr. X—— as already mentioned. In conclusion, I would recommend that some order or enactment should be passed whereby the following might be attained:—

1st. Registration of dairy attendants.

2nd. Compulsory cleanliness at milk time, and the wearing of overalls.

3rd. The provision of proper sanitary accommodation in dairy yards for those engaged in same.

Mr. Edwin Chadwick, C.B., contributed the following Paper on the 'Progress of Sanitation: in Preventive as compared with that in Curative Science.' I joined in the admiration to much of the addresses given, and of the papers read at the recent International Medical Congress on medical, that is to say on curative, science, but I may be pardoned for expressing my regret that so little time could be afforded, and that so slight an attention was given to sanitary, or to preventive science; except on one occasion, which has passed without due notice, the visit of a number of eminent members of the Congress, to hear what I may term a clinical lecture on sanitation—a species of lecture which I hope may be promoted elsewhere—at Croydon, by our distinguished colleague of the Sanitary Insti-

tute, Dr. Alfred Carpenter,—displaying on the spot the sanitary principle of relief, by the application of the arterial and venous system to a town, by the introduction of a supply of pure water into all houses, by the immediate removal of all fouled water and excretory matter, and by its direct application to agricultural productions.

If attention be first given, as is usual, to the construction of a hospital for the reception and treatment of patients suffering from marsh or foul-air diseases, all respect should assuredly be paid to the promotion of curative science for their relief. *Res est sacra miser.* Nevertheless, claims may be pressed for attention to sanitary science, or to the application of one primary factor of it—the drainage of the marshes or the removal of the conditions whence the foul-air diseases originate.

Positions of Preventive Science and of Curative Science.

In relation to curative science and the papers read at the Congress and the discussions held there, nothing positive could be collected as to how a death-rate could be reduced by a percentage. To take one of many practical examples the instance brought before the delegates—that of Croydon. At the time it was brought for its sanitary treatment before the first general Board of Health, the death-rate in that open suburban district was 25 in a thousand, or higher than the present death-rate in London, and it had been still higher. I would ask the most distinguished authors of the curative papers if they could show from them how such a death-rate could be anywhere, and to what extent, reduced? Yet there in Croydon it has been reduced by rudimentary means to 16 in a thousand, and Dr. Alfred Carpenter well knows that much more yet remains to be done, and that by more complete sanitation the death-rate might be brought down to some 10 in a thousand. And so in other places, as in Salisbury, where the death-rate had been 28 in a thousand, and it had been as high as 40, it was reduced to 17 and 16. So in Dover, where it had been 26 in a thousand, but was brought down to 14 in a thousand, as I have no doubt may be done in the heavily death-rated city of Dublin. where it has been rated at 33 per thousand.

But attention may be called to a recent vindication of the new sanitary science as carried on almost as a commencement. by small isolated means by the new body of local officers of health, as yet imperfectly organised, and with incomplete attributions and functions. The last report of the Local Government Board of London for 1880 and 1881 states that the death-rate of England and Wales had fallen during the last decade

by nearly 4½ per cent. 'It may therefore,' says the report, 'be roughly estimated that about a quarter of a million of persons were saved from death who would have died if the death-rate had been the same as in the previous thirty years. If twelve cases of serious but non-fatal sickness be reckoned for every death—and the early estimate was twenty cases—it follows that about three million persons, or over one-ninth of the population, have been saved from a sick bed by some influence at work in the past decade which had not been in operation previously.' 'More than three-quarters of this reduction of deaths,' the report states, 'comes under the head of the seven zymotic diseases, that is to say, of the diseases which are the most influenced by sanitary improvements. Of the three-quarters, just half is in fever, the disease which more than any other shows itself in connection with such faults of drainage, of water supply, and of filth accumulations, which it is within the province of good sanitary administration to remove.'

I now beg to solicit particular attention to the economies of prevention and to means of estimating them which have hitherto been unattended to. I am confident that these economies, as I shall state them, are unknown to the administrative departments as matters of finance accounts, or to their Parliamentary chiefs, or they could not have failed to have brought them under the notice of Parliament and the public together with the service of the officers by whom they were achieved, and what was due and needed in the interest of the public to sustain them. Now, from our enquiry under the Sanitary Commission as to interments in towns, it appeared that the cost of funerals, all round, was 5*l.* each. The saving of the cost of funerals, by the saving on a quarter of a million of funerals during the decade, must have been one million. The cost of medical and other relief of each case of sickness, I know in Poor Law administration, may be estimated at 1*l.* each case, which would add three millions more of saving from prevention during the decade. But the gain to the wage classes, from the saving of lost labour, will have been far greater. Dr. John Watts, who has had great experience in friendly societies, states the average loss of working time at two and a half working weeks per member between twenty-one and seventy years of age, and he estimates the total loss to the wage classes, by the loss of work through sickness, at upwards of thirteen millions per annum. The reduction of pain and misery, and the saving of the expense of curative and of other service (which may to some extent be made up by an increasing population), it is to be taken into account is attended by a reduc-

tion of dependent chargeability, and by a gain of health and productive force, such as is displayed in statistical comparisons between unhealthy and weakly and healthy and strong populations. The gain of force by sanitation will serve moreover as an important contingent to replace the loss of force to us and the gain of force to our colonies by emigration. But the gain obtained, and further obtainable, by sanitation is displayed by more close army statistics with which I have been favoured by our colleague, the President of the Sanitary Institute, Professor de Chaumont, of the Army Medical School at Netley. The first British army went out to the Crimea under the established curative or medical service, and it was lost. Sanitary Commissioners, selected for their training in our service under the first General Board of Health, were then sent out to reform the conditions of hospitals and camp, and within three months they reduced the sickness and mortality from a plague-rate down to an ordinary standard of health, and, by the end of the summer of 1855, to a rate lower than that of the best hospitals at home; and the War Minister declared in Parliament that by the application of their science the second army had been saved. Nevertheless, it must be stated that the new service, which, as shown subsequently in evidence, had been received with much latent jealousy and bitter hostility, and, but for the strong support of Lord Palmerston, would have been disobeyed, as also its treatment on its return home, which might form a chapter of history of the time. Of the officers of the curative service, and others whose inaptitude had lost the army, all were decorated or advanced in position. Of the three of our staff who formed the Commission, one was killed by an accident, and one was wounded by a stray shot, but not one received any notice, or decoration, or assured position, notwithstanding the avowal of the War Minister that their science had saved the second army. On their return it appeared that the preventive service would have been dispensed with as no longer wanted—a tremendous mistake, for they were wanted as much as ever—and not one received any decoration or notice of any sort; nor was there any proper effort to provide sedulously for the organisation o the new service, the efficiency and great economy of which had been so conspicuous. There was every appearance that the specialists of the preventive service would quietly be thrust out of the way, and the systematised prosecution of preventive science would for the time be extinguished. The injustice requires notice, as being, although it might now be of small importance to individual officers, fraught with great evil to the public, in leading reactionaries in favour of large, expensive

and inefficient works, to treat the new science and the new works as *passé*, from the specialists in them having been disregarded. The lessons set by the Sanitary Commissioners in the Crimea were carefully followed by the Army Sanitary Commissioners of the United States, as was emphatically acknowledged by them in their final report, and it is evident that but for the great conservatism of force obtained by them the final conflict would have gone hard with the North. In the state of collapse which followed from the first neglect in England, it did appear to me that the great lesson gained by the sanitary treatment of the second army in the Crimea should not be lost for our army in India. In 1858 I wrote and read a Paper at the meeting of this Association at Liverpool, 'On the Application of Sanitary Science for the Protection of the Indian Army,'[1] setting forth my information as to sanitation in the tropics, and advocating the appointment of a special sanitary service for it in India. I venture to state that there is yet new matter in that Paper, and to invite a re-examination of it by sanitarians interested in a preventive service in tropical countries. I know of no other previous public exposition of the object. It was very zealously supported by Mr. Sidney Herbert and Miss Florence Nightingale, and eventually an Indian Army Sanitary Commission was appointed. I may say it has been mainly sustained by two out of the three officers of our staff, of our first general Board of Health, who were the chief workers in the Crimea, namely, Dr. John Sutherland, and Mr. Robert Rawlinson, our sanitary engineer, who has continued to give his services to it gratis. The beneficent influence of that Commission has been largely extended, beyond the Indian army, to the native civil population in India.

Now let me state the last results, and the economies of sanitation in the Indian Army. The former death-rate per 1,000 of mean force was 69. For the last decade of the returns, 1869 to 1878, the death-rate has been 20 per 1,000 of the aggregate force of 578,899. The actual deaths during those ten years were 11,815. The aggregate saving of life for the decade has therefore been 28,132. The old sick-rate was at least 100 per 1,000; but during the decade it has been (though still too high) 56·67 per 1,000. There has been an aggregate saving of sickness during the decade of 25,085. Add the saving of sickness to the saving of 28,132 from premature death, and we have a total saving of 53,217 of force, which at 100*l.* per man makes an aggregate saving of 5,321,700*l.* for the decade, or 532,170*l.* per

[1] See *Transactions*, 1858, p. 487.

annum. I would beg, as due to the sanitary service, that this result should be examined with any abatement and be called for. I do not believe that the present chief of the Indian Department can have been aware of it, or as a public officer he would have brought it before Parliament. Let me now show the economies of money and of force in the Home Army. The former death-rate was 18 per 1,000. During the last decade there has been an annual aggregate saving of 7·612. The sick-rate was about 50 per 1,000; during the decade it has been 34,616. The grand total of the saving, to be made known for the examination of the War Minister, has been, for the Home Army, 1,494,100*l.* for the decade, on an aggregate strength of 878,925 men, or 149,410*l.* per annum. Let me conclude on this topic with the statement of the saving in the army in the colonies, of which the aggregate force during the ten years was 240,876 men. The former death-rate was about 30 in the 1,000. The aggregate at that rate would have been 7,226. The actual deaths during the decade were 2,427, or a death-rate of 10·7 per 1,000, and an aggregate saving of 4,839 lives. The former sickness rate has been estimated at 70 per 1,000; the latter at 39·81 per 1,000. The total saving of money has been during the decade on this branch of military administration 1,211,000*l.*, or 121,100*l.* per annum. The grand total saving, in India, in the Colonies, and in the Home Army, that may be brought to the knowledge and consideration of the Premier as a financial question, will, during the decade, have been no less than eight millions and a quarter, or 822,000*l.* per annum, and a saving of force of 40,585 men from death, and an aggregate from sickness of 8,227 men per annum.

A Parliamentary examination of these results, civil as well as military, might well be made, and any discounts ascertained. If I were in a position, I might nevertheless as yet challenge them on the score of large insufficiency; that from defective administrative organisation for sanitation, the civil sanitary service, as proved by established *normals*, is not more than one-third of its way, and that the sanitary administration of the army is not much more than half its way. The reduced general death-rate of 12 in 1,000, as tested by normal examples, is almost double what it ought to be. Why should the death-rate of the Guards be so much greater than that of the Police? Why, of the barracked home force, should the death-rate be two-thirds greater than that of the imprisoned home force? Mainly by the pressure of our Sanitary Commissioners, the barracks have been better ventilated and the soldiers now have one-third more space. It is observed by Professor de Chaumont

that the total death-rate of the army at home in 1879 was 7·55 per 1,000, whilst from 1830 to 1846 the death-rate from phthisis alone was 7·86, or ·31 in excess. The deaths from that disease were in that year 2·78. Such a reduction would follow largely from the improved ventilation and space. But, good as it is, why should even that reduction—amounting to one-third of the diseases of the whole army—be regarded as final? It is to be remembered that the army is a selected force, selected for health and freedom from predisposition to disease. In the army medical reports, large numbers of deaths from more grossly preventable causes are recited and apparently have been passed over, that ought to be the subject of serious particular enquiry. At the best, the existing conditions will be found to display the continued predominance of the merely curative and the neglect of the superior preventive service. The death-rate for the army in the Colonies appears to me to be in yet greater excess. And the death-rate of the Indian Army appears, on the declaration of Indian sanitary allies, to be as yet, too, in excess. On the whole it may be averred that a large gain of force and money is to be obtained, by the conservation of such sanitary administrative force still available, and by the further advancement of that service. I once talked with Lord Palmerston, in vindication of the position of sanitary service for the conservation of force, and urged that whilst in the military service the loss by the sword was as one, the loss by preventable disease was more than as three. He admitted this, and told me that he was at pains when at the War Office to get out the losses by the sword, and he found that altogether the total losses of men killed outright in our twenty-two years' war were under 20,000. I got out the statistics of those for myself, when I found that the number killed on the field and on the deck, including Waterloo and Trafalgar and the most severe battles, was 19,706. Yet here we have the experience that the lives saved by improved sanitation in the army during one decade have been upwards of 40,000, or yearly 4,000, as against an annual average of 899 in naval as well as in military battle! Whilst it is shown that in each year of civil sanitary science during the last decade there has been a saving of 25,200 lives. Every unit of saving denotes a saving of misery and pain; but the concern of the financier is only with the saving in money. It is to be shown how that concern ought to be awakened and actively directed for the public service. Under advanced public morals nothing will be regarded as done whilst aught remains to be done by sanitation for the prevention of pain and misery and premature mortality. The very statistics, as

now put forth, are demoralising in leading people to speak of London as the most healthy city in the world, and, therefore, as wanting nothing more—London, where there are upwards of twenty thousand deaths annually from grossly preventable diseases, and twenty times that number of preventable cases of sickness! London, where the majority of all born are in their graves by their sixth year! London, where the loss of adult life of the wage classes is more than twelve years, and the premature working disability is one-third greater than in healthy districts. The least 'unhealthy city' may be a less incorrect phrase.

I will first display the morbid condition immediately contiguous to the seat of the Government of the Empire.

The Morbid Conditions due to Defective Legislation and Defective Local Administration.

Having, as I trust, vindicated the position of preventive science in its relation to curative science, and the position of civil as well as of military sanitary service, and displayed their economy for the support due to it in public administrations, I now beg to call attention to the common morbid conditions of some chief towns owing to bad legislation and administration and the prevalent ignorance of sanitary science and the primary sanitary factors by which those morbid conditions may be removed.

The primary conditions to be contrasted are those of water supplies of the Metropolis from impure river sources, tainted with sewerage; and when the sources are pure, as from springs, the impurities derived from stagnation in buts and cisterns. But the more morbid common condition to be described is stagnant detention of the fouled water, and of putrescible matter, in extended cesspools or sewers of deposit. This common condition of noxious putrefaction we early ascertained begins in about three or four days in ordinary weather, and at the earliest after one day. In the Metropolis, in ill-conditioned drains and excrement-soddened sites, it remains until it is exhausted by the putrefaction, and in sewers of deposit it remains for months, or a year, until the deposit is removed by flushing.

At our sanitary section of the Society of Arts, it was shown upon the testimony of practitioners of the highest experience, that full three-fourths of even the most expensively built new houses in London are badly drained. Those which happen to have good self-cleansing drains are joined on to a sewer, commonly a large new sewer of putrefactive deposit. In my Sanitary Report of 1842, I described such a sewer as the bulb of a

retort charged with putrefactive matter; and the house-drain as the neck of the retort to carry the products of decomposition into the house. At the sanitary section of the Society of Arts, we got an examination made of the great sewer which passes from Victoria Street and receives the drainage of the Government Offices and of Downing Street. That sewer was found to contain about a foot deep of putrefying deposit. The flusher who examined the sewer, on putting his lamp to the mouths of the drains opening into the sewer found everywhere, from the direction of the flame, that the current of sewer-gas flowed steadily upwards into the grand new buildings, the public offices. But for the 'ventilation' of the sewers as the man called it, by means of the house drains, the gases of putrefaction in the sewers would be so strong as to make them dangerous as they were inconvenient for the flushing men to work in when the time came for them to reduce the putrid accumulation by flushing. Now as to the tests of this dilution of the sewage gas in offices by the receptivity of the occupants? Sir R. A. Cross has stated that when he first went to wash his hands in his office he was assailed by a very offensive smell on opening the plug. When he had sat for a time to do the work of his office, he found himself subject to low headache—the common effect of diluted sewer gas. This became so bad that he did as much work as he could at home. He stated in Parliament that he had determined to engage offices elsewhere for the safe transaction of his business had he remained in office. A member of the Government in the Local Government Board may bear testimony to greater suffering from the condition of the very spacious room assigned to him. In the Colonial Office there have been cases of fever, and two deaths from fever are ascribed to the defective state of this office. One friend, an officer there, was subject to an attack of an eruptive fever, also ascribed to it, which occasioned an absence of nine months from his office.

I felt I could not in duty refrain from making particular enquiries as to the condition of the Premier's residence in Downing Street. I learned that the former Premier had been advised by his physician not to reside there, and he did not; but I have been assured that since then amendments have been made in the premises, and that it is now regarded as safe. There are, however, 150 miles of trunk lines of sewers of stagnant deposit within the jurisdiction of the Metropolitan Board of Works only, as shown by their accounts, of which the accumulations are reduced periodically by flushing, and the condition of the general air in the neighbourhood of such

sewers is such that no competent surgeon would think of performing a dangerous operation there, particularly without washing the air with spray, after the method of Dr. Lister, of which so interesting an account was given at the Congress. Professor Flower, who was sitting by the late Dean of Westminster in his last illness until he died, considers that the Dean's illness was solely owing to the bad drainage in the water-closet adjoining his bedroom. I have seen a report upon it made by Mr. Griffiths, one of our most successful sanitary engineers, on an examination made of it a year ago, when he found that, besides bad internal drainage, it had a connection with the common sewer. He represented the danger of the condition to the Dean, who said, however, that he had sustained no attack during the time he had occupied the Deanery, and he should leave the work of amendment to his successor. The Dean was like thousands, 'too busy to attend to it.' Individuals and communities pass long periods under such depressing influences without violent disturbance by disease. Their vitality is depressed; they may have low headaches, or functional disturbances, without being aware of the specific cause, the results of which are only manifested collectively in the statistics of sickness and the death-rates. There is, as it were, the charcoal, there is the sulphur, and there is the nitre, and it is argued that there is no harm in them, and there appears to be none, until an unknown cause, some barometric condition, which, as a light, causes an explosion. So the poor Dean reasoned, and he fell by erysipelas a victim to his error. I got Mr. Griffiths to show the report of his examination to Sir William Jenner, who sent this note upon it: 'Accept my best thanks for letting me see your report on the sanitary state of the Deanery of Westminster. To live in such a house was as unwise as to dwell in a house with a barrel of gunpowder stored away in the kitchen. For years the inmates might be free from injury; but a spark might at any moment blow them to atoms.' Some persons are highly susceptible to the influence of the foul air. There is no doubt that H.R.H. the Prince Consort fell a victim to some accidental exposure to it, and that the Prince of Wales had a narrow escape from it. It appeared from a recent enquiry by the Sanitary section of our Society of Arts, that about 16 per cent. of the deaths of the wage classes in Westminster are due to foul air diseases. The common conditions of the stagnancy of putrefactive matter in the houses and the sewers were formerly regarded implicitly as constants, and indeed are very extensively so regarded now. The proposal for dealing with them by chemists was the wholesale applica-

tion of disinfectants; these when applied in some instances to the sewers had no marked effect, except the general addition and diffusion of the fumes of the chemicals into the houses. Another measure proposed by a mechanical engineer was to extract the gas of the sewers by a powerful steam draft; this, when tried, evolved more gas and only spread the fumes wider. A railway engineer proposed to ventilate them by draughts from very tall chimneys. About five hundred of them, as tall as the steeples of the parish churches, would have been required; but on the experience of the tall chimneys of alkali and other works, this would have raised the fumes from beneath, to distribute them wider by clouds above, extending to the suburbs, as those chimneys of chemical works are found to do, to the injury of vegetation at several miles of distance. Attention is yet prominently and almost exclusively occupied in various urban districts with plans for the ventilation of the sewers. Plans are proposed for the protection of private houses by separate chimneys to each house to discharge sewer gas above, which from the collection of sewer chimneys would, at a great expense, add a pernicious element to the superincumbent atmosphere produced by all the smoke chimneys. Nowhere scarcely has there been a conception, at least as to the chief objective point and as a leading principle, of the removal of putrefactive matter from houses and towns before it can enter into advanced stages of decomposition and generate noxious gases and odours.

At the meeting at Croydon there were medical officers from the chief cities of Europe: from Paris with its stinks, called 'odeurs de Paris,' which by an unusual development lately created an excessive mortality and drove away visitors from the pestilence;—there were there medical officers from Germany, where nearly all the hotels give warning of sanitary defaults, and in nearly all of which, as also in the hotels of France, it is dangerous to drink the water of their wells, polluted by their stagnant sewerage. There was a medical officer from Darmstadt, where the lamented Princess Alice and also her son fell victims to a malarious disease, if not arising from within the palace, from bad sanitary conditions in the adjacent parts of the city. There was present a distinguished sanitary officer from Italy, to which he might carry back a great lesson for malarious and heavily death-rated Rome, in whose hotels visitors have been stricken down by foul-air disease, and also to stinking Naples and other cities which are dangerous for susceptible people to travel or to reside in. There was present, of the members of the Congress, an eminent representative of

the Board of Health of Washington, that city which has a death-rate as heavy as Croydon once had before its purification; heavier than the death-rate of vestriatised London, and denoting a condition of the general river atmosphere, from which, if he could have been removed to a purer air, the chances would have been largely augmented of the recovery of the President, which we were all watching with so much of fraternal anxiety. There were there two medical men from New York, the empire city, in whose foul tenement lodging-houses the poorest members are subject to intense depression, and from which the occupants of common lodging-houses in London are protected by the sanitary measures provided under Lord Shaftesbury's Act, and executed by the Metropolitan Police, who guard them against fever. All these members of the Congress, and others from Australia and Europe, were present: more than a hundred were to receive a great, simple lesson in purification applicable to almost every one of their cities. All present representing populations suffering from one common evil—the foul air generated from stagnant, putrid matter—all come to see the efficiency of one common remedy, carrying into every house pure water, and carrying out the fouled water from the house and the street by unity of works under one authority, and that authority a public one, removing the putrescible matter before putrefaction could commence.

The Accomplishment of the First Steps in the Sanitation of a City.

Dr. Carpenter stated that all the houses of Croydon were water-closeted, and more or less perfectly drained, so that all putrescible matter and fouled water were removed from them immediately, and that the excreta of 63,000 of population, which in all other cities remain in conditions of putrid decomposition weeks and months and years, are now, by self-cleansing small sewers and the self-cleansing house drains, carried out of Croydon within two hours; showing that, if they were dealt with in sections, every city may now be purified by water-carriage in the same way and in much the same time. He took the delegates to the outfall, and directed their attention to the fact, surprising to most of them, of the absence of the usual odour of putrefaction from all discharged. If there was any smell at all, it was that of dirty water, and far less of smell than from any one of the thousands of gulley-shoots of the sewers of deposit in the Metropolis. This one example for a competent sanitary engineer is complete in itself, but it would be corroborated in the several towns cited, where the death-rates have been considerably

reduced, and where all the houses and streets have been freed from sewer smells, thus establishing the sanitary rule, that all foul smells—of which, however, the most faint, arising from the latest decomposition, are the least distinguished and are the most deadly—denote bad sanitary administration and bad engineering or bad supervision of work; and that the capacity and condition of a local administration may confidently be tested by the nose. For the Metropolis, the whole of the putrescible matter of a morning, removable by water carriage, might be removed within the day. Plans for the attainment of this object were prepared by our first General Board of Health, including the relief by pumping as in the fen districts, and those plans were studied and adopted very literally by the German engineers, and are now in progress for the relief of Berlin. They have been applied at Frankfort-on-the-Main and at Dantzig with a very material reduction of the death-rate. It is demonstrable that, if the municipal authority were guided by the light of sanitary science, the whole of Paris might be regularly freed from its foul odours within half a day. In the United States, one town—Memphis—was repeatedly so ravaged by yellow fever, that the question arose whether it ought not to be burnt down as being a centre of infection to other places; but the light of sanitary science was brought to bear upon it by Colonel Waring, an American sanitary engineer, and he devised and executed a plan of drainage on the principles first laid down, especially as to the exclusion of storm-water from the sewage, which is found to be so detrimental to sewage farming, and was laid down at a third of the cost of the man-sized sewers maintained against demonstrations in London. We were glad to learn that the first step has been so well thought of in Paris that the engineer (Colonel Waring) has been commissioned to drain a section of Paris on the plan as a trial work.

It might have been explained to the delegates that the cost of the new Great Trunk lines of sewer to receive storm-water, which are now condemned as a great blunder, and as constituting noxious extended cesspools, would have sufficed to have redrained the whole of the Metropolis with self-cleansing sewers, mostly pipe-sewers. The like may be said of the Large Trunk line sewers of Paris. The estimated expense of sixteen miles of self-cleansing for Westminster proper was about 16,000*l.* The expense of the Tunnel sewer, one mile from Victoria Street to Whitehall, the condition of which as diffusing sewer-gas which is laid on from it into the grand new Government Offices has been described, has been upwards of 120,000*l.*

The Next Step: the Saving of the Manure in a Fresh Condition.

The next topic of organic sanitary principle to which Dr. Carpenter directed the special attention of the delegates was the application of the fresh sewage to the land. He said: 'The practice of sewage-irrigation has been under my own immediate observation for twenty-one years. In the year 1860 it was commenced in some fields at Beddington, which have been continuously irrigated more or less from that time to this. Since then I have heard the most serious charges made against sewage irrigation before Committees of both Houses of the Legislature, also before commissioners and judges, and juries and arbitrators, as well as at public meetings; and in special reports violent attacks have also been made in the public press. The charges made have been that dwelling-houses, even within a mile of a sewage-farm, are prejudiced and damaged as residences, in consequence of the unhealthiness which must necessarily belong to such farms. This and similar evidence has been given by highly intelligent and most honourable witnesses. In consequence, local authorities have either been made to pay immense sums as compensation to owners who have had to part with portions of their land for sewage irrigation purposes; or the permission which has been asked for has been refused because of the anticipated damage to property or to health; or towns have been frightened by the antagonism which the propositions to set up a sewage-farm have induced, and they have declined to proceed with the proposals. In other cases, in which it has been proceeded with, the farm has been weighted by the heavy charges which have been placed upon it; and to make matters still worse, in the majority of instances, partly in consequence of these charges, it has been found quite impossible to get the farm taken care of by a scientific agriculturist at his own cost. It has therefore been managed by persons who have had neither agricultural nor scientific knowledge of the requisite kind. Sewage-farms have therefore, as a rule, from various explainable circumstances, the unfortunate contingency attached to them that they are not financial successes.' From the effects of these blundering and reactionary works, the whole of the modern system of sewage and water-closets is blamed, and a return to the old system of cesspits talked of and earth closets proposed as substitutes. In contrast with the water carriage system of Croydon, there is a distant village for which only the weekly

removal of fæcal matter by tubs could be provided; occasioning three days of putrid decomposition on the premises and a four-fold expense of removal. If the sanitary evil is diminished by more frequent removal the expense is augmented. Military experience may be cited of earth latrines at double the expense of construction and ten times the expense of management of water latrines. It requires great labour to get the superior economy of water carriage through self-cleansing channels understood by local administrators. He might have presented us an example, from the very place, of one of the explicable circumstances in the exaction commonly of five-fold rents—here it was a seven-fold rent—on the pretext of injury to the land which is proved to be benefited by sewage-farming. To these circumstances are added excessive charges for inapplicable engineering works, and financial errors arising from confiding to unaided and unguarded local ignorance, large expenditure that requires very special science and responsibility for its safe direction.

A large part of the prejudice against sewage-farms has arisen from the conception of sewage only in the state of putridity from stagnancy, such as that of which the fumes pervade the Government offices in Westminster from the Victoria Sewer. When Sir R. A. Cross or other Members of Parliament living in those streets are assured, as they may be by scientific evidence given at ten guineas a day, that sewage is essentially of a noxious character, they will very naturally accept the assurances. Hence plans for immense chemical enterprises as necessary for the disinfection of sewage before it is applied to land or discharged into any river. As stated, the sewage of Croydon is all removed from the town within two hours, before there is any waste of manure by putrefaction. Within the two hours it is in course of distribution on the land, and it is distributed by the ordinary method of irrigation by submersion over the soil, percolating the soil through the grass. Dr. Carpenter led the delegates over the irrigated fields, and directed their attention to the continued absence of smell from the sewage. It was evident that there was no such smell from it or from the land as there is from a market-garden with a heavy top-dressing of solid manure. He also directed their particular attention to the great clearness and absence of smell in the effluent water from the irrigated meadow. Some of the delegates drank specimens of it. Dr. Browning, the medical officer of Rotherhithe, told me some time since that he had analysed it, and would prefer it for domestic consumption to the Thames water which he received from the Southwark and

Vauxhall Company. I have no doubt that it is safer than the well water supplied at the hotels on the Continent, on the dangers of which so much was written a short time ago.

Answer to the Germ Theorists' Objections to Sewer Manures.

Violent objections have been made by the advocates of chemical disinfectants and other processes against sewage-farms on the grounds that they must receive and spread the germs of infectious disease. The answer to such allegations was given to the delegates by Dr. Carpenter in the terms following: 'The non-infectious character of the excretions of those suffering from epidemic and infectious diseases when distributed upon a sewage-farm is proved by the fact that there have been occasional outbreaks of infectious diseases in Croydon during the past ten years, including two epidemics of small-pox, several outbreaks of scarlet fever, occasional cases of diphtheria, and three periods of typhoid prevalence—two of which were distinctly connected with contamination of water supply in its distribution, and a third was distributed by means of milk. In the years 1875–76 the excreta of at least a thousand cases of enteric fever were utilised on the farm. In the majority of the cases the excreta were certainly not disinfected, and had they been capable of setting up the disease, some of the sixty-five persons at that time in the employ of the Local Board must have suffered from the infection.

'Cases which did arise were not on the farm, or even in the majority of cases, near to it; they were on the hills, beyond the range even of subsoil water. The changes in sewage are not in any way similar to those which have been known to take place in poudrette and other particular forms of dried ordure. There is no doubt in my mind of the destruction upon sewage farms of the germs of mischief, which, when unaltered, may be capable of setting up zymotic disease. They are not preserved as they may be in dried ordure, or in other products in which so-called disinfectants have been used, which have simply preserved the germs from decay; but they are chemically and physically altered so that mischief cannot arise. This result has been also found to apply to the excreta of animals suffering from epizotic disease. During the past few years there have been several outbreaks of infectious pleuro-pneumonia in the Croydon district, the infection being brought from the Metropolitan Meat Markets. The cowsheds in which the disease has arisen have drained into the Croydon sewers, and blood and excreta from the slaughtered animals have been washed down those sewers. The sewers

have carried the morbid matter from the sheds to the farm; but there has been no corresponding disease among the cattle upon the farm.' Similar demonstrations are presented by all well-worked sewage-farms. Moreover, insects generated and distributed in solid manures, and in stagnant semi-liquefied manures, are drowned by liquefied manure in active circulation.

Protection by Circulation.

Protection, Dr. Carpenter properly says, will be absolute if sewage be brought in a fresh state to the farm, and if it be not allowed to stagnate either in the sewers of the district or in the carriers of the farm or upon the land. Without the town, as well as within it, the circulation must for security be complete and active.

It has been laid down as a dogma that sewage-farms must be kept at a distance from towns, and that dogma had a reason, in the method of the irrigations by stagnant submersion with plain water in Italy, where they have been forbidden to be formed nearer than six miles of urban populations on account of the malarious emanations. This dogma, with its base of stagnation as a constant, was met by the fact that by circulation the cattle on the farm at Croydon were more healthy than other cattle; and so were the labourers. He might have corroborated this experience by reference to the report of the judges for the award of the prizes offered by the Royal Agricultural Society to the best of the sewerage farms. The judges were Mr. Clare Sewell Read, Mr. Baldwin Latham, and Mr. Thursfield. They made particular enquiries about the sanitary results upon those engaged in working them, and they display the results in a table of the death-rates. They were, on the average number of years (ten) during which the farms had been in operation, not more than 3 per thousand per annum, that is to say, on a population of 380 men living on or working on the farms and 137 children. From the difference of working under insanitary conditions, amidst stable dung and putrid farmyard manures, which are attended with fevers amongst families, as compared with the working amidst fresh undecomposed manures liquefied, I should have expected a marked difference, but not so great as this, which is double or threefold. Dr. Carpenter adduced the very low death-rate amongst the children of the orphan institution immediately contiguous to the sewer-farm, and who lived amidst its atmosphere. He might have corroborated this by the fact of a yet lower death-rate amongst children of lower type and lower ages of another orphan institution, the North Surrey District School, who are

lower in age and lower in type, and who are sustained in great part from the produce of a contiguous good sewage-farm and have one of the lowest of infantile death-rates. On the theory sustained by the scientific evidence given, the population which is the farthest from the large farm ought to have the lowest death-rate, whereas Dr. Carpenter showed that it had the highest, or 16 per thousand, whilst the parish contiguous to the farm at Beddington had only a death-rate of 14 per thousand.

Qualities of Sewage Manure Produce.

An objection urged against sewage-farming is the quality of the produce, which it is surmised and alleged must have the taint of putridity. I had some communication with the late Emperor of France, when he began to take an interest in the means of advancing the health of the population. When entering on the question of the drainage of Paris and the abatement of its stinks, I submitted to him the expediency of having trials made of the vegetable production from liquefied manure made by his own officers. This was done, and I believe those trials were the most able of any hitherto made. The produce was very large; but a member of the Academy of Medicine ventured to object that the grass which was so large was gross and of a quality which cattle would not eat or thrive upon. Against this judgment of the Academician—of medicine—I ventured to appeal to the judgment of a cow, and the appeal was allowed. A good cow was provided, and there was placed before it bundles of sewaged and unsewaged grass for its choice. The cow selected the sewaged grass and ate it with avidity. It yielded its judgment by excellent milk, with an extra quantity of cream and superior butter. The like results are experienced in the sewaged-farms of England. Other animals display the like judgment to an inconvenient extent. Hares and rabbits come to them from long distances, and are very destructive. Of the produce from sewage-fed cows, however, some of the first-class butter consumed in our clubs has been from sewage grass farms. The fact is that liquefied manure culture, fresh sewage culture, with horticultural skill in plant feeding, will be the means of altering the character of plants and obtaining very superior vegetable production. The delegates were entertained at Beddington Hall to a luncheon of the fresh sewage produce,—sewaged potatoes, sewaged beef and veal, or beef and veal raised from the sewaged grass of the farm, and the qualities were pronounced by the visitors to be excellent. But this part of the festival might have been

enhanced by contributions from other sewage-farms. From the Bedford farm they might have received carrots of a new order, larger in size, with more of saccharine matter, with a higher flavour, and an aroma that qualifies it for dessert. From the Aldershot farm there might have been a contribution of celery exceeding anything yet seen or tasted of that plant. Moreover, there might probably have been obtained from that same farm a dessert of rhubarb exceeding even in quality any that had ever been tasted of that plant before. I have, indeed, received as evidence of an advanced sewage horticulture, some samples of wine of the quality of a good still hock or of a still and wholesome champagne made from the superior rhubarb growth on that farm. But the commercial development of that produce would be hindered here by the Excise. It may, however, be well commended to the wine growers of France, especially those near Boulogne, who should move the authorities to relieve the population from the stagnant and putrescent manure under and around their houses and send it out fresh for distribution on the land, amongst the wine growers in the vicinity, where it may serve to repair the ravages of the phylloxera, and they may learn from Würtemburg how to produce and send us by its right name a cheap champagne as wholesome as it may be made from the produce of good sewage-farms, to exhilarate future sanitary festivals over sewaged produce. Paris, with very inferior sewage, deteriorated and wasted by stagnation, is yet making some way with a rudimentary and secondary sewage cultivation, which may be advanced when the way has been shown them, by Colonel Waring and others, in a complete house drainage producing a superior manure, by staying stagnation and waste in noxious gases by subsoil distribution through permeable tile drains. In Germany, Dantzig takes the lead in sewage-farming, yielding a greater produce than has heretofore been grown on German soil. Berlin is in progress on right principles, but is not so far advanced, as would be denoted by the infallible test of a reduced death-rate, as it may be, and the sewage-farm is as yet spoken of as secondary, probably from putrid instead of from undecomposed manure.

Agricultural chemists and well-informed agriculturists will sooner or later lament the escape of the foul air of putridity in our ill-drained and ill-cleansed towns as the escape of some of the finest and most fertilising portions of manure. Between fresh and undecomposed town manure, the difference commonly amounts to a third or even to one-half.

The late Home Minister, Sir R. A. Cross, should have known that the low headaches which he in common with others in the

offices experienced, and of which he complained in Parliament, denoted a loss going on of a manure for the land equivalent to guano. The loss of manure daily in Westminster and the whole of the Metropolis is equivalent to a new guano island—a loss which the late Mr. Mechi was always bemoaning. On the streets of the Metropolis it is estimated that about a thousand loads of horse manure are deposited daily, and from want of being liquefied and removed immediately by surface washing, are for the greatest and the best part wasted. Professor Voelcker has shown in a Paper for the Royal Agricultural Society that the waste of the farmyard manures is full one-half. The late Mr. Smith of Deanston, our agricultural drainage assistant commissioner, declared that from the ignorance of landowners and of farmers, the loss of stable manure throughout the country from the like mismanagement was equivalent to another rental. In respect to the population in the quarters of a badly sewered town in a general bad sanitary condition, it is a general complaint that they are squalid and stunted, and have a heavy death-rate from being ill-fed; and the ill-feeding of which one factor is the want of good milk. Mr. W. Hope, V.C., stated 'that taking the population of London at four millions, they—the representatives of the vestries—are wasting what would produce 340,000,000 quarts of milk yearly. But I give the calculation as greatly within the truth. Yet taking only one penny per quart of milk as due to the grass, *i.e.* to the sewage, and allowing as much more for the land, the farmer and the cow, we have an annual preventable waste of manure that can be realised amounting to no less than 1,411,111*l.* And again I say that the credit of this one penny is too little.' I believe it will be found that this estimate is substantially correct. The late Mr. Frank Buckland, in a Paper read at the Sanitary Institute, testified to the injury done to the Thames fisheries by the sewage thrown into the river.

The simple lesson given on this topic, of the utilisation of the sewage, at Croydon to the delegates to the Congress was certainly good for all the foul-aired cities and the wretched lower-class populations they represented. Agricultural trials made there and elsewhere will verify the axiom of the great vegetable physiologist De Candolle, that the future of agriculture will be in giving water and food at the same time.

Gain of Produce from Liquefied Manure Culture.

More may however be said on the next topic of information which the delegates would have to take with them, namely, the

quantity of the produce from the sewage-farm. This, Dr. Carpenter rated as about three-fold the yield of the ordinary culture on the same area; or as about equal to that of ordinary market-garden farming. If no better were to be had, this gain from intensive culture would be grandly economical in saving the cost of transit, saving roads and fences, saving moreover rent. He admitted, however, defects of science and of skill from which deductions must be made. I had to point out that in the sewage-farm of the institution which I have mentioned, the South Metropolitan, the yield was more than as five as compared with the three-and-a-half of an adjacent market-garden farm. At the sewage-farm at Bedford and at other places the yield is fully as five as against three-and-a-half at adjacent market-garden farms; and it may be laid down as a rule, that whilst the yield from the ordinary agriculture in England is as one, and market-garden culture as three-and-a-half, it is on well-conducted farms of the undecomposed sewage of well-drained towns, with self-cleansing house-drains and self-cleansing sewers—as five. With such intensive culture, there is a saving or a gain to somebody of four rents, of four lengths of roads and of hedges to maintain, and of four lengths in the removal of manures and crops. The advance of sewage-farming or of intensive liquefied manure culture has at this time extensive relations with the whole of the agriculture of the country to stimulate that high culture which is needed to withstand that foreign competition before which low culture is giving way.

In this view I submit that it is of importance that the sewage of public institutions—such as union houses, district orphan asylums, lunatic asylums, of which there are excellent scattered examples—should be carefully applied to serve as model farms throughout the country. With such long-tried normal examples as those to which I have referred, and I might add of some hundred of sewage-farms in different parts of the country; what is to be said of the state of intelligence of the Government and of the Legislature, which allows the most powerful manures after remaining in conditions of stagnant pestilential decomposition to be thrown into the sea or into the River Thames to its pollution?—what of the state of intelligence of those who talk of London as the best-drained city in the world, which has two-thirds of its houses ill-drained and with excrement-soddened sites; and some thousand miles of sewers of deposit which are in fact extended cesspools, with the insanitary results which I have stated!

Conclusions.

I have endeavoured to display the state of ignorance which has prevailed even at the seat of Government in relation to the two primary factors of internal sanitation, of circulation instead of stagnation, of the external application of fresh unputrified manure direct to the land instead of wasting it by throwing it into the river. I have not touched on the other factors, namely, those for dealing with the excessive infantile mortality, also those for reducing the overcrowding in bad dwellings, which is so destructive of life in the adult stages of the wage classes. As against the dense prevalent ignorance of sanitation, is it not our duty to press at every opportunity the knowledge of what has been done with imperfect means, and enlighten intelligence as to what may be done, and stimulate more efficient action upon it for the relief of human misery?

Before I conclude, I beg permission to observe that I know no greater field for the work of sanitation than this unfortunate country, Ireland. By the combined application of factors practically demonstrated, I am confident that the death-rate of Dublin may be reduced one-half. For myself, I must say that I consider the Irish working man extremely unfortunate in the misdirection of efforts for his relief. In my collection of experiences of him in England, I found general expressions of respect for him by employers, as respectable and respectful, and as being good in conduct when rightly dealt with, and more loyal even than English workmen. On such evidence I stood alone for a time in contending for the introduction of the compulsory system of relief for the able-bodied, which they have well justified in Ireland.

It appears to me that one of the largest political mistakes, leading to the misdirection of effort, is in overlooking the effect of the physical upon the moral conditions of populations. In England I have always found, in local enquiries, that the seats of epidemic disease—the results of bad sanitary conditions—are the seats of irritation, of disturbance, and of crime, and the chief sources of the chief occupation of the police in repression. Some time ago I got out evidence of the influence of the physical condition on moral and social, and peace conditions, on a large scale in Ireland. I took the four counties where the proportion of mud hovels to the population was the highest, and compared them with the four counties where the proportion was the lowest. In the four counties where the proportion of mud hovels—cabins with only one room—was the lowest

the proportion was 29 per cent.; in the four counties where the mud hovels were the highest the proportion was 61 per cent. In these highest the proportion of deaths from epidemics was 47, whilst in the lowest it was 35. With the most mud-hovelled populations the mean age of all born was only 26 years and 8 months. In the counties of the lowest proportion of mud hovels the mean age of death was 33 years and 4 months. But the mean age of death of the English agricultural labourer was and is 50 and 56 years of age, with much for them yet to amend! The contrast as to the crimes of violence and passion was as I had anticipated. In the four counties where the proportion of mud hovels was seventy-two as against the four counties where the proportion of mud hovels was the lowest, where it was as thirty-two. And so it will continue to be where the population is in low physical conditions, and where, as Jeremy Taylor expressed it, 'Man is kept desperate by a too quick sense of constant infelicity.' It were well in London to examine the moral effects produced by the removal of a population from conditions of dwellings where the death-rates are 30 and 40 per 1,000, as those of Dublin, to conditions of the model dwellings in London, where the rates are 16 per 1,000. Early in my sanitary work I wrote papers to urge a measure of general land drainage as a primary sanitary measure; for the reduction of the diseases of damp and stagnant moisture, as well as a measure of agricultural production. I urged that the permission to drain settled estates should be taken out of the hand of the Court of Chancery and placed in the hands of a special authority, with power to regulate the advances of loans and with official securities for the application of loans for the purpose. So far as that measure has been carried out, it has answered the purpose as a measure of improved agricultural production as well as of sanitation. All round it has paid itself in seven years. Now Ireland is wetter than England; it has more land for productive improvement, as well as for sanitary improvement in worse conditions, than in England. Late on in the progress of the Land Bill, and on the invitation by the Government of suggestions for the improvement of the condition of the wage classes, I sent in a paper proposing, as part of the Bill, complete provisions for a land drainage, which, to be effective, must, I considered, be to a great extent compulsory; it was, however, to be regarded as of compulsion to a profit, under skilled direction, of from fourteen to twenty per cent. on the outlay. The greater part of the outlay in land drainage is in labour; it would almost every-

where furnish a great fund of relief to them, necessarily in piece-work, and usually at double wages. But, unfortunately, the proposal was too late for discussion, and only permissive provisions for private land drainage were obtained. I fear that they will only be of partial avail, and I hope that in less troubled times a larger measure will yet be adopted, for it may be confidently stated that land drainage must be the basis of land improvement through the greater part, apparently, of Ireland, whilst, as a sanitary measure, it will be of larger benefit than is at present commonly perceived.

I now beg leave to submit, as a general conclusion, that the saving by sanitation in England and Wales, during one decade, of a quarter of a million of lives and upwards of three million cases of sickness by a preventive civil service, and the saving, by preventive service, during that decade, of upwards of forty thousand of military force, together with a grand total saving of upwards of eight millions of money—accomplished as yet by a service with incomplete attributions and functions, and under great obstructions, especially the civil preventive service, calls for the examination of the Government and of Parliament, with a view to a yet more complete administrative organisation.

And specially as relates for what, I hope, may be an early future of the urban population of Ireland:—

That by the constant distribution of water into all houses, and by the constant removal of the fouled water, together with all putrescible matter—removable by the cheapest method of removal-water carriage from houses and from the surface of the streets before such matters enter into advanced stages of putrefaction—in other words, by complete action on the sanitary principle of circulation in the place of stagnation and putrefaction, the sickness and death-rates of the cities and towns may be reduced by one-third or by one-half, with considerable reductions of the pecuniary burthens entailed by excessive sickness and mortality.

That by the direct application of undecomposed liquefied town manures to the soil much noxious waste may be prevented, and a considerable gain obtained of superior agricultural produce, especially of milk and market-garden produce; and that high model-farms, such as are in progress elsewhere, may be instituted throughout Ireland.

And specially as to the rural districts:—

That by a complete compulsory measure of thorough land drainage, the climate of large parts of Ireland may be considerably ameliorated, the health of men (and of cattle)

improved, and agricultural produce augmented, with a profit of upwards of 14 per cent. on the outlay, and extensive employment provided at high wages for the wage classes.

These special conclusions, it may be averred, are now sustainable by sufficient concrete examples of long practice under varied conditions, as capable of extended application under competent administrative organisation.

A Paper was read by Mr. JOHN FOX, Schoolmaster, Richmond District Lunatic Asylum, Dublin, on the 'School System as carried out in that Institution.' In this Paper the aims of the system are shown, and the means by which they are attained. Misconceptions are corrected, arising from its name, and by reason of its working being not sufficiently known. The writer treats of the working of the male department of the institution, which is, in most respects, similar to that of the female, and gives in detail the classification of the patients with respect to literary and industrial employments, the numbers in the various occupations included under these heads, and the very small number who are consequently unemployed, the facilities afforded in this classification of employing patients to the best advantage with respect to themselves as well as to the institution; and the great saving of expense effected by this union of literary and industrial employment, as the extensive improvements and clerical works, executed wholly by the patients, prove. The subjects embraced in the school system are given at length, and the form in which they are imparted. Considering the mind as divisible into moral, mental, æsthetic, and physical faculties, the moral faculties being developed by religious instruction and moral lessons; the mental by object lessons, lessons on colour and form reading, geography, and arithmetic; the æsthetic by writing, drawing and music; and the physical by drill and marching. The recreations and amusements are also referred to at length, the indoor recreations consisting of a library of 200 volumes, the daily newspapers, weekly and monthly periodicals, fortnightly dances, Christmas festivities, and games such as bagatelle, chess, &c.; the outdoor recreations being walks to the Phœnix Park, to the Botanic and Zoological Gardens, midsummer fêtes, and games such as cricket and football. The daily order in which the exercises are carried out is given, especially the school exercises proper, bringing into relief the admirable system by which variety of occupation

is secured. The results of the system are then summarised as, firstly, providing occupation for a large class who otherwise would be wholly unemployed; secondly, it varies the occupation of all the patients; thirdly, it applies a system of education to the relief of mental disorder; and fourthly, it promotes the happiness and welfare of all the inmates; and the writer concludes by inviting all interested in the welfare of the insane to come and see for themselves the working of a system of moral treatment of the insane which appears a great advance on methods heretofore in use.

The following is an abstract of a Paper read by Dr. E. MacDowel Cosgrave, University of Dublin, on 'The Use of Alcoholic Stimulants in the Irish Workhouses.' The question of how far alcoholic stimulants should be used in our workhouses is an important one, as such stimulants are at present the cause of much direct and, it is to be feared, indirect expenditure.

During 1880, 11,845*l.* 8*s.* 7*d.* was spent on stimulants in the Irish workhouses, forty per cent. of the sick receiving them. The cost per head varied from 9¾*d.* in Ulster to 3*s.* 3*d.* in Connaught. In the Dublin Unions it averaged 2*s.* 10*d.* per head. Stimulants were given to attendants in *at least* 76 of our 163 unions.

The amount of stimulants consumed seems, on the whole, to be decreasing; but in some unions it is increasing. In the South Dublin Union the rate per head has fallen, during the last five years, from 2*s.* to 9½*d.*, whilst in the North Dublin Union it has risen from 1*s.* 5*d.* to 1*s.* 9*d.*

Stimulants cannot fairly be used in our unions as food, as their cost would be excessive, to say nothing of the uncertainty of their utility. Thus, even if all the food elements contained in alcohol were capable of being burnt, one imperial pint of Guinness's stout would only be equal, as food, to rather less than five ounces of sugar. Also, 3½*d.* worth of bread is equal, as a force producer, to 3*s.* 4½*d.* worth of stout, estimated at its highest possible value. Alcohol is also too costly to be used as a food adjunct for the poor.

Alcoholic drinks are probably used as medicines, although they are not paid for as other medicines are. But in the majority of cases alcohol diluted with water would be just as efficacious, and it would be cheaper, safer, and less attractive.

The results that would follow if the quantity of stimulants used in our workhouses were materially diminished would probably be favourable. Insurance statistics and army and benefit

club experiences show that a total abstainer is, *cæteris paribus*, not only very much healthier than a drunkard, but also appreciably a better life than a moderate drinker. The experience of any Unions which have diminished the amount of stimulants used tends to show that it has resulted in an increase of health. Many English Unions show this. In Ireland we have not yet got many examples to argue from, but those we have are against the use of stimulants. If the return of the number of inmates, deaths, and costs of stimulants in the Irish workhouses be granted annually, we shall soon have sufficient ground for drawing more positive conclusions. In the South Dublin Union the death-rates for the past five years were 67, 69, 54, 55, 37, whilst the cost of stimulants per head was 2*s.*, 1*s.* 5*d.*, 1*s.* 2*d.*, 1*s.* 1½*d.*, 9½*d.* In the North Union the corresponding figures were 65, 76, 72, 86, 67, and 1*s.* 5*d.*, 1*s.* 2*d.*, 2*s.* 1*d.*, 2*s.* 5*d.*, 1*s.* 9*d.*

Besides improving health, the withdrawal of stimulants would improve the order, lessen the temptations to enter and to remain, discourage malingering, lessen the rates, and do something to render those leaving the workhouses less likely to return, and more likely to change from rate-absorbers to rate-producers.

Dr. Norman Kerr sent a Paper on 'The Present State of Legislation and other Treatment for the Habitual Drunkard.' The following is an abstract:—

The Habitual Drunkards' Act, 1879, was the issue of an agitation carried on by the Social Science Association, the British Medical Association, and the Habitual Drunkards' Legislation Society. To secure the passing of the measure many concessions had to be made, which impaired the efficiency of the Act. The confession of habitual drunkenness before two magistrates hindered numbers of dipsomaniacs from putting themselves under the provisions of the Act enforcing compulsory detention in a retreat. The Dalrymple Home has been projected for dipsomaniacs of moderate means, there being at present no provision for such. 2,000*l.* had been promised, but 3,000*l.* more was needed to furnish and maintain the home. There were two funds, one for equipment and the other an annual guarantee against possible loss in the working. The British Medical Association had asked boards of guardians throughout the country if they wished for power to pay for detention of dipsomaniacs, but very few boards would agree to any proposal to increase the rates for such a purpose. Several voluntary homes for the treatment of female habitual drunk-

ards had been very successful in reclaiming women, but Dr. Kerr suggested governmental inspection as a desirable supervision and an effectual answer to the insinuations and innuendos that such establishments were always liable to.

That habitual drunkards could be cured there was abundant proof, both from England and America. There was ample and excellent accommodation for the wealthy in private voluntary homes, but for those of moderate means there was none. The Dalrymple Home was meant for such, and Dr. Kerr strongly appealed for sufficient aid to establish and carry on the institution.

Mr. JOHN PYPER (Belfast) read a Paper on 'Drunkenness and its Remedy,' in which he argued that drunkenness was criminal in its nature, and should be rendered criminal by statute law. No one had a civil, nor should have a legal, right to injure or expose to needless danger the life or property of his neighbour; but the person who got drunk violated this rule, and should, therefore, be treated as a criminal. The insane man was not generally held accountable for his acts; but the insane through drink were treated exceptionally, because it was felt that there would be no safety for life and property if the insane through drink were treated as legally irresponsible for their conduct. It was said, in justification of this exception, that the drunkard made himself insane; but many other insane persons were responsible for their own insanity as well as drunkards. If they held the man insane through drink responsible for his acts, and the man insane from other causes not responsible, on the ground that the former drowned his reason in drink and the latter did not, was not the criminality in the case the inducing of the insanity by drink? Therefore, all who drank themselves insane were, so far, alike criminal in conduct, irrespective of their acts while in a state of insanity. One drunk man injured or destroyed the life and property of his neighbour and another did not, merely because to the one there occurred, and to the other there did not occur, the opportunity, occasion, or incitement to do so, during the period of insanity. Consequently, both should be held equally criminal: the one for drinking away his reason and committing the injurious act, because of the insanity, and the other for the similarly guilty act of drinking his reason away, and making himself equally dangerous, though committing no further injurious act, because he was restrained from so doing by circumstances over which he had no control, and in reference to which he had, therefore, no merit. The two parties were morally equal in guilt, if the

insane be not morally responsible for their deeds; and it was only on the grounds of their being morally irresponsible that they should be held legally so. But whether viewed as a vice or a crime, or both, the drunkenness of the British Isles was a social evil, dreadful in its nature and fearful in its prevalence. To ascertain and apply the true remedy for that evil were matters of the first importance. The true remedy for any evil was to abolish its cause. The cause of drunkenness was the drinking of alcoholic liquors. Therefore the remedy for drunkenness was to stop the drinking of such liquors. The smoking and chewing of opium caused physical, moral, and social evil, which could be remedied only by the disuse of that poisonous substance; and precisely the same was true regarding alcoholic drink. The only efficient remedy in the one case was to stop the smoking and chewing of opium, and in the other to stop the drinking of alcoholic liquor. It followed, therefore, that whatever decreased the drinking of intoxicants diminished the vice and crime of drunkenness, and *vice versâ*. All experience and observation, in the regions of teetotalism and the legislative prohibition of the liquor traffic, went to establish that truth. And that led them up to the practical question, What were the best means to employ for the promotion of teetotalism and prohibition, that thereby the gradual diminution and final extinction of drunkenness might be effected as speedily as possible? To his mind the best means were the educational ones of diffusing knowledge regarding the relation of alcohol to the human system. 'Ye shall know the truth, and the truth shall make ye free.' The truth regarding alcohol was, that it was not a true food, but a deceptive, seductive, narcotico-acrid poison, always injurious to the human system in health, if not also in disease. That alcoholic drinks were poisonous had always been evident to shrewd observers. Hence, by common consent, they had been designated intoxicating—that is, poisoning—drinks. Their immediate effects of unnatural excitement, giddiness, and paralyzation, and their progressive effects of insatiable appetite, *delirium tremens*, and permanent insanity, were those of poison only, and never those of wholesome food or drink. Regarding this patent fact, there had never been room for any difference of opinion among competent physiologists and chemists, who had duly examined the subject. In proof of this position, the writer here gave quotations from such authorities as Professor Youmans, Professor Reignault, Sir Astley Cooper, Sir Robert Christison, Professor Miller, Professors Lallemand and Perrin, Doctors Levy, Beale, Chambers, Edmunds, and Richardson. He then

argued that as dietetic temperance consisted in using aright food and drink that were wholesome, and abstaining totally from whatever was unwholesome; and as alcoholic drink was essentially unwholesome, therefore the use of such drink, even in moderation, was intemperance; and that this moderate intemperance was the parent, the producing cause, of our national drunkenness, with its unnumbered concomitant evils. When the British nation should learn this lesson, and reduce it to practice, in the form of teetotalism and prohibition, our national drunkenness would disappear, but never till then. That the use of alcoholic drink should not only lead many of its users to drunkenness, but that it should also injure the health and shorten the lives of the drinkers who stopped short of what was considered drunkenness, was a matter of physical necessity. In proof of the superiority of the lives of teetotallers over those of moderate drinkers, the writer here quoted facts and figures published by the United Kingdom Temperance and General Provident Institution and several other insurance companies, which, he said, furnished solid ground for a much stronger conclusion than that of Dr. Richardson, namely, that if total abstinence became universal in England, the vitality of the nation would rise one-third in value.

A paper on 'Sickly Children dependent on the State' was contributed by Mrs. MORGAN JOHN O'CONNELL. It attempted to arouse public opinion to investigate into the case of the numbers of scrofulous pauper children, sickly rather than actually sick, and offered suggestions for raising their health standard. A few facts concerning the extreme prevalence of the scrofulous condition among the Irish poor having been adduced, medical views on scrofula were next commented upon. Why the special hygienic measures recommended in text-books are not applied to strumous pauper children in Ireland. Quotations from information bearing on the subject received from England and America were made, and a few plain suggestions were offered as to the creation of sea-side homes near Dublin with affiliation to existing hospitals, use being made of the Afflicted Persons Act for sending pauper children to such places. Suggestion of sisters of charity for Catholic, and the late Mrs. Sullivan's organisation for Protestant sick children dependent on the State, were also considered.

The following Paper, entitled 'The Necessity of Extending the Operations of the Ladies' Sanitary Associations,' was read by Dr. GRIMSHAW, Registrar-General for Ireland. During

the past ten years, vast strides have been made in sanitary legislation in the United Kingdom. Public Health Acts have been passed, commencing with that of the year 1872, which by various amending and consolidating measures have developed the sanitary laws of the United Kingdom into such a comprehensive code, that but comparatively slight amendments and additions are necessary to make sanitary statutes capable of dealing with all known sanitary shortcomings. The Sanitary Acts of the past decade have provided a central controlling sanitary authority for each division of the Kingdom, and provided local authorities for every town and country district, and have invested those central and local authorities with extensive and, indeed, I might say, ample powers to carry out the provisions of the Acts. Every part of the United Kingdom has its sanitary officers, both professional and non-professional, so that the machine is complete as a whole, although I regret to say its parts are in innumerable cases either badly or weakly constructed, or out of gear. This is not, however, the place to deal with the many and serious defects, central and local, in sanitary administration. These must be remedied by the gradual action of public opinion, which, so far as central defects are concerned, will be best expressed through such means as this Association affords. Local administrative defects will be best dealt with by the expression of local public opinion, through local sanitary associations, such as the Dublin Sanitary Associations and kindred institutions. Assuming, however, that instead of a complicated administrative machine, oiled and tinkered by the National Association for the promotion of Social Science, and with its central directors stimulated by the acts of a joint committee of this Association and the British Medical Association, and its local ramifications watched and criticised by local popular organisations, we had a machine working smoothly in all its parts, independent of this constant stimulation from without; would we without further effort observe a steady and uninterrupted advance towards improvement in public health? We must with regret answer in the negative. The population of these countries, from the highest to the lowest, is so deficient in the elementary knowledge of those matters which are essential to the maintenance of a moderate degree of health, that no matter how perfect our sanitary laws, and no matter how efficient our administration, or how zealous our officers, sanitary reform will make but little progress until this great block of ignorance is removed, and a plastic raw material provided upon which the law and its administrators can act. It is the duty of Ladies' Sanitary Associations to provide this material, or rather

to make plastic the raw material already provided in its cruder form. Although general Sanitary Associations have done much to guide the public and sanitary authorities, they have made no attempt beyond the institution of courses of lectures, and the circulation of literature to systematically educate the public in the elements of sanitation. Now, courses of lectures and the circulation of printed matter are very useful media for the instruction of those who are already possessed of sufficient elementary knowledge and social status to be able to take advantage of such methods of instruction; but these are not suitable channels for conveying knowledge to the artisan class, or the very poor. The wife of the artisan cannot purchase books or go to fashionable lecture halls to learn domestic hygiene, and yet among the wives of artisans and their growing families sanitary knowledge is most defective, yet it is in the homes of those that sanitary defects are most numerous, and upon whose co-operation we must rely, if we expect to have substantial improvement in the public health. The excessive mortality in our large towns is mainly among the labouring classes. How is sanitary knowledge therefore to be introduced and spread among them, and how are we to make them habitually attend to hygienic conditions in sickness and health, in eating, drinking, clothing, and housing, in their work and in their rest, the children in their play, and the adults in their recreations? The only means that suggests itself is through the agency of *Ladies'* Sanitary Associations. It is astonishing how few such there are. In London a Ladies' Sanitary Association has been in existence and working for a quarter of a century; it has had some imitators, but few, and in Ireland only one, an infant of but six months old! It is with the view of advocating the foundation of Ladies' Sanitary Associations in all populous centres, that I have, at the suggestion of the founder of the Dublin Ladies' Association (Miss Hamilton Stubber), brought this Paper before the section. It is impossible for me here to detail the work done by the London Association, which may serve as a model to be followed in the foundation of similar associations. The success it has obtained in spreading the knowledge of sanitation among all classes by means of lectures and circulation of pamphlets, and among the poor by visiting their dwellings, proves the possibility of doing similar work in other towns. The scale upon which the London Association is conducted is possibly too ambitious for any place but London; nevertheless, it can be imitated on a proportionately smaller scale elsewhere, and I would suggest that the plan pursued in the organizing of the Dublin Association might serve as a

useful model for Associations in towns similarly situated, where the conditions are somewhat similar to those of this city. The general plan for the Dublin Ladies' Sanitary Association is as follows:—

1. Distribution of pamphlets on sanitary and domestic questions.
2. Delivery of lectures on health, sanitary improvements, and domestic economy.
3. Establishment of a lending library of books relating to health and domestic economy.
4. Formation of training classes—
   a. For workers.
   b. For non-workers.
5. Establishment of classes for adult girls, for instruction on sanitary and domestic questions.
6. Formation of districts and appointment of visitors, adoption of dispensary and medical districts, with one or more lady superintendents in each district.
7. Instruction in schools on hygiene and domestic matters.
8. Encouragement of neatness and cleanliness in rooms and houses of the poor, and of window gardening.

With the view of carrying out objects Nos. 1, 6, and 8, the city and suburbs have been divided into districts for sanitary work. The districts adopted are coincident with those known as the 'dispensary districts,' which are most suitable, inasmuch as these are the areas selected for all public purposes connected with sanitation—namely, medical attendance on the sick poor, registration of births and deaths, vaccination, and public sanitary operations. There are seven of these districts within the city boundary (three in the north side of the city and four in the south side), six in the adjacent suburbs, and two in the more remote suburbs.

The number of these districts which the committee will be able to work will depend altogether upon the amount of support which their efforts meet with among the ladies of Dublin. The Committee propose to begin with the more easily worked city districts, and gradually extend their operations in proportion to the funds and number of workers at their disposal.

The organisation determined upon for working these districts will consist of a District Committee, composed of two superintendents, visitors, and two honorary secretaries. The superintendents will be members of the Executive Committee. The visitors will be appointed in pairs to take charge of certain sets of streets allotted to each pair. Printed lists of the distribution of the streets and houses in each district have been obtained for

the use of the Committee. The visitors will report the result of their labours to the District Committee at each meeting, who shall dispose of all work under heads 1, 6, and 8 of the general plan.

In order to carry out heads 3 and 5, accommodate the District Committees, and afford an inquiry office for the working classes, it is intended to provide a committee room for each district.

To carry out heads 2 and 4, the use of a public lecture room will be obtained, where lectures will be delivered to the *members* of the Association. Several lecturers have already offered their services, and it is to be hoped lectures will be inaugurated at once. It is also intended to hold evening meetings for the discussion of sanitary questions, or the delivery of addresses by eminent sanitarians and others.

In order to promote the objects under head 7, the Executive Committee will place themselves in communication with the principal bodies in Ireland having control of primary education.

The Committee has rightly confined its action in the first instance to providing lectures and classes of instruction for those who are to become in their turn the teachers and visitors of the artisan and labouring class. I believe this organization is quite applicable to all Irish towns, and might easily be made suitable for English and Scotch towns.

Many, no doubt, may feel deterred from attempting to organise such an Association by the gigantic nature of the evils to be removed. Those who have visited the slums of Dublin, as I have, and seen human beings crowded together regardless not only of health but common decency, have seen the dilapidated houses and squalid children scantily clothed, and the people eating half-raw potatoes and herrings, will almost think the case hopeless; but let them take heart from the successful struggles of the London Associations, which had equal dangers and difficulties to contend with, and a hard struggle for existence even in the midst of wealthy London.

I would therefore earnestly appeal to the lady members of the Social Science Association in all parts of the United Kingdom, to promote the foundation of Ladies' Sanitary Associations, on the ground that a miserable, dirty, and unhealthy home is the foundation of all evil. 'Train up a child in the way he should go, and when he is old he will not depart therefrom,' is a true saying, which none will dispute, and a child cannot be trained up properly, either physically or morally, in the wretched dens which abound in our large towns, and in which the artisans

dwell, or struggle to live. Uncomfortable homes break up the family circle and beget sickness, which again begets poverty and crime, and these reacting upon one another beget moral and physical degradation. The effect of individual sympathy with the poor cannot be over-estimated, and it is by means of this sympathetic bond that the Ladies' Sanitary Association can do its most useful work. Cleanliness may truly be said to be *next* to godliness, but cleanliness is *not* godliness, nor godliness cleanliness, and I believe it to be a disadvantage to each that they should be promoted together, though each facilitates the progress of the other.

I regret that time will not permit me to develop many points of interest in these remarks, but their development will rest with the many noble women who are members of this great Association, and I feel sure the Association will co-operate with all Ladies' Sanitary Associations, as it has done with the original society in London.

ECONOMY AND TRADE.

PARTICIPATION BY LABOUR IN PROFITS.

What Results may be expected to arise from an Extension of the System of Participation by Labour in the Profits of Manufacturing, Agricultural, and Trading Enterprises? By SEDLEY TAYLOR, M.A., Late Fellow of Trinity College, Cambridge.

IN preparing the following Paper I have tried to bear constantly in mind the fact that to promote discussion is one of the chief objects of this Association. The topic of workmen's participation in profits may, under other circumstances, be best treated by methods involving full statement of administrative details and financial results. Such treatment would, however, offer but few points of attachment for useful discussion. I have, therefore, for present purposes, discarded it in favour of a mode of handling based on general principles, and appealing only to broad results of actual experience. By this means I hope to secure, during the discussion, valuable aid from members of the Department, authorities in economic science, who may have as yet devoted no special study to the already rather extensive continental literature[1] of the subject now brought before them.

The method of remunerating labour termed 'participation in profits,' or more shortly 'profit-sharing,' consists in allotting to workmen, in addition to ordinary wages paid at the full market rate, a share of the net profits annually realised by the concern which employs them. This yearly dividend may be paid over to them in ready money, or it may be compulsorily

[1] From this literature I select for mention: Böhmert, 'Gewinnbetheiligung.' Leipzig, Brockhaus, 1878. Fougerousse, 'Patrons et ouvriers de Paris.' Paris, Chaix, 1880. 'Bulletin de la participation aux bénéfices.' Paris, Chaix. (The last-mentioned is the periodical published by the French *Société de la Participation*, 20 rue Bergère, Paris, which was founded in 1879.)

invested for their future benefit, or a compromise between these procedures may be adopted. The widest differences in this respect exist among participating houses. The essential mark of the system, however, is that the share of profits assigned to labour is directly proportional to the success of the employing establishment.

'Is this, then,' I may at once be asked, 'only a scheme for transferring wealth from one set of men to another—for depriving employers of a part of their earnings in order to distribute it among their workmen?' I answer that participation, wherever legitimately applicable, is no such eleemosynary device, but possesses a spontaneous energy capable of realising additional profits, and so of creating the fund which it proposes to divide. As this point is of fundamental importance, and is frequently overlooked, I may be allowed to dwell on it for a short time.

We may safely assume that a man hired at fixed wages to perform services which have for their object the enrichment of another man will, generally speaking, work far less effectively than he would do if he were employed on his own account. An agricultural labourer in his employer's field, and the same man in his own garden or allotment, present two surprisingly different standards of activity. The reason is, of course, obvious. In the former case there is the deadening certainty that additional effort will receive no additional wage: in the latter there is the enlivening hope that every stroke of more efficient labour will meet with its due reward. Accordingly, a medium standard of work is all that can be reckoned on from men labouring for fixed wages, and even to exact this requires constant and vigilant superintendence. If, on the other hand, some stimulus similar in its effects to that of ownership can be brought to bear on men industrially employed, there is reason to expect that their standard of work will be correspondingly raised.

The prospect of sharing in profits is manifestly just such stimulus, and, therefore, enhanced efficiency of labour may legitimately be anticipated from its operation. Improved work spontaneously given brings with it, in general, increased production, better quality, and a diminution in the costs of superintendence. It, therefore, means in many, perhaps in almost all, industries, enhanced profits. Here, then, is the economic basis on which participation rests—the creation, by the more efficient labour called forth under its influence, of new profits which do not accrue under remuneration by fixed wages only.

It may be well at this point to notice an objection to profit-

sharing frequently taken *in limine* on grounds of equity. Workmen ought not, it is said, to share profits with their employer unless they are also prepared to share losses with him. A system which gives them a bonus in a good year, and does not subject them to a drawback on their wages in a year when an actual loss has been incurred, is therefore essentially one-sided and unfair. This objection ignores the fact that under participation extra profits are realised. It assumes that the workpeople's bonus in a good year comes straight out of their employer's pocket. The exact opposite of this is, as has already been seen, the fact. The workpeople, by their improved labour, supply a fresh stock of profits, a part of which goes annually into their employer's pocket. This yearly bonus, given by the workmen to their employer, is their contribution towards his losses in bad seasons. In some houses this fact is formally recognised by an annual payment made out of profits, prior to any division, into a common reserve-fund destined to meet losses when they occur. Thus, while it is incorrect to say that participating workmen share profits but not losses, it is perfectly correct to say that participating employers share surplus profits without any corresponding drawback. An employer can indeed, if he thinks fit, organise participation in such a manner that, while he may gain, he cannot possibly lose, by its introduction. He has only to determine the minimum profit which will satisfy him, and give notice that, until this amount has been overpassed, no division of profits will take place.

Having, as I hope, shown that participation is a source of tangible advantage to both the parties directly concerned in it, I proceed to point out some of the results which flow from its successful application.

It introduces into the relations between employers and employed a remarkable and sorely needed stability and peace. Violent fluctuations in the rate of wages are avoided, inasmuch as the workmen, knowing that at the end of the year they will receive their appointed share of whatever prosperity has in the course of it visited the concern which employs them, no longer see occasion to demand a rise of wages whenever heavy orders are known to have come in. A strike, too, will be far less readily resorted to by men who have come to perceive that such a measure not only stops their wages for the time being, but inflicts a further injury on them by curtailing the profits divisible at the year's end.

The strong corporate feeling which prevails in a well-organised participating house is also a great support to its managing head. He no longer has to contend with the class-

spirit which, under the ordinary conditions of remuneration, so uniformly bands together the workmen against their employer. On the contrary, he finds himself, in any act of necessary severity, backed up by the public opinion of the workshop which, under the salutary teaching of participation, has learned that a lazy, dissolute, or dishonest artificer is as much a source of loss to his comrades as to his employer. This educational power, inherent in the system, leads to many beneficial results. It encourages practical study of the economic conditions under which profits are realisable. It sets the most intelligent workmen on the alert for possible improvements by which more produce can be turned out, or fresh economies effected. M. Chaix, the eminent printer and publisher of Paris, tells how, soon after he had introduced profit-sharing into his house, two of his compositors proposed that their frames should be put closer together, so that they might be able to set up type by the light of a single lamp, and thus avoid the waste involved in burning two. He also found some of his clerks practising a rather overstrained economy by sending out proof-sheets in soiled envelopes which had already passed through the post.

To the workman the allotment of his share in profits in a sum entirely distinct from his wages affords a valuable encouragement to saving. Enquiries made in important houses where annual cash distribution takes place have shown that the sums thus received have been, for the most part, either placed in sound investments, or spent in sensible ways not involving a raised standard of outlay and a consequent increase in the price of commodities. In houses which retain the share in profits of their employés for a given number of years, sums relatively very considerable have been accumulated at compound interest, to the credit of the beneficiaries. The advantage to a working man of possessing a small capital on which to fall back when his powers of self-support are checked by illness, or exhausted in old age, is too manifest to need insisting on.

Even more important than the prospect of these material benefits, is, I believe, the sense of increased self-respect which the participating workman derives from the consciousness that he is treated, no longer as a mere productive machine, but as a human being having aims and interests identical in kind with those of his employer. Workmen in various houses, and notably in that of Billon et Isaac at Geneva, have given lively expression to this feeling in terms which I have reproduced elsewhere.[1] It is, indeed, often said that such community of interest will inevitably lead the workmen to force themselves

[1] *Nineteenth Century*, May 1881, article 'Profit-sharing.'

into administrative control, and to interfere with account-keeping, for neither of which they are fit. It may be answered that practically this difficulty has not arisen, and that the regulations of participating houses almost invariably contain clauses placing the business executive and the accounts under the exclusive control of the employing head or his representative.

Beside the two parties directly concerned in profit-sharing, the general public, in its capacity of consumer, cannot fail to derive distinct advantages from the system. The work done under its influence is improved both in quality and in rapidity of execution. Objectors may, indeed, urge that to interest workmen in profits will simply extend and intensify the evils of ungenuine and dishonest work. But to this it may be replied that a corporate spirit of bad workmanship is hardly conceivable, publicity being, in a civilised country, always on the side of genuine work and upright dealing. A body of men permeated by the conviction that enduring prosperity is dependent on a deserved reputation for work of high excellence are sure to set their faces against every form of trade dishonesty.

While the public would gain greatly, as consumer, by the substitution of genuine for shoddy production, I conceive that in its rate-paying capacity it would obtain a still more signal benefit from the effects of participation. In whatever degree members of the working class can, towards the close of their lives, attain to the position of modest capitalists, to that extent will they have freed themselves from the curse, and the rate-payers from the heavy burden, of pauperism. Participation, therefore, by creating the means, and encouraging the practice, of systematic saving, affords to the labouring class the opportunity of gradually working out their own deliverance from the bondage of pauperism, to their own and to the nation's incalculable benefit.

Up to this point I have made no reference to the threefold classification of enterprises—as manufacturing, agricultural, and trading—employed in the question before us. I propose now to examine with what prospects participation may be introduced into these categories of industry.

We saw that, in general, a successful result depends on the realisation of extra profits by means of more efficient labour. In order, then, to forecast the effect of bringing the system into a given branch of enterprise, we have only to estimate the degree in which the zeal of the workmen will be stimulated by the prospect held out to them, and the extent to which they have it in their power, by doing better work, to increase the

quantity, improve the quality, or lessen the cost of production.

In manufacture on a large scale, the intelligence and improved education of the operatives leave little room to doubt that they would enter with effective zeal upon any participatory arrangement organised with adequate liberality. On the other hand, much difference of opinion appears to prevail as to the extent to which, in machine-dominated industries, manual labourers can exert an influence on profits. At conferences on this subject which I have attended the employers present were generally of opinion that this influence would be insignificant, while the operatives maintained that it would be very considerable. At Bolton, a cotton-spinning centre, this antagonism of opinion was extremely marked. At Birmingham, an exceptionally well-informed representative of labour asserted, without contradiction from the meeting, that an enormous preventable waste occurred in every trade in the town. That participation is practically found to work well in considerable manufacturing undertakings is shown by the cotton-mills of Steinheil et Compagnie at Rothau in Alsace, which employ 600 operatives, and by the paper-mills at Angoulême, where 1,500 hands are working under M. Laroche-Joubert, a most energetic friend and advocate of the system.

In production on a smaller scale, where manual labour plays a more considerable part, participatory successes have been unmistakably decisive. In Paris, firms carrying on the different branches of such industry on a profit-sharing basis are constantly becoming more numerous. The beneficial results which the system is capable of producing have shown themselves with special prominence in house-industries such as painting, papering, decorating, &c., where machinery and tools are simple, materials cheap, and manual labour the predominant element of cost-price; and where systematic superintendence of the workmen employed is, from the nature of the case, impracticable. The greatest successes were here theoretically to be expected, and experience has amply borne out the anticipations of theory.

To agricultural production has been assigned, in the question before us, a distinctive position merited not only by its paramount importance to the people of Ireland, but also, as I believe, by the especially promising field which it offers for participatory operations. I propose, therefore, to treat this branch of our subject in somewhat greater detail.

It will be remembered that two conditions are essential to successful profit-sharing. The zeal of the workers must be

adequately enlisted, and labour must be able to exert an effective influence on production. That in British agriculture the second condition is satisfied—that more active and intelligent efforts on the part of the labourers would lead to improved returns—admits of no doubt. The only question to be answered is therefore this: Can agricultural labourers be induced, by the prospect which participation offers, to put forth the sustained exertions necessary to secure its benefits? It would be easy to produce affirmative replies to this question from Continental authorities. I might quote Herr v. Thünen, Herr Neumann, and Baron Zytphen-Adeler on successful experiments in agricultural participation made by them in Mecklenburg-Schwerin, in East Prussia, and in the Danish island Zealand, respectively. Under present restrictions of time, however, I shall only appeal to a single remarkably instructive experiment made half a century ago in Ireland during a social crisis far more severe than that which has visited it during the present year.

The time was one of acute agrarian suffering, discontent, and violence. 'The peasantry,' says the *Annual Register* for 1831, 'marched in bands through the counties, demanding reductions of rents and increase of wages, and threatening destruction to the magistrates and gentry who should disobey or endeavour to resist. . . . In some instances they insisted that no mode of agriculture should be used but that which should employ the greatest number of hands, such as spade-husbandry. In the county of Meath, they marched from house to house, taking the labourers from their work and the horses from the plough: and so soon as the military had dispersed one assemblage at one point, a new one started up at another.'[1]

'. . . In the counties of Clare, Roscommon, Galway, and Tipperary, the law seemed no longer to exist. Murder, robbery, searching for arms—these things done, too, by bodies of men who could be met only by military force—were the ordinary occurrences of every day. . . . In the county of Clare, in particular, all decent persons of all opinions declared that the country was no longer tolerable as a place of residence. The serving of threatening notices, the levelling of walls, the driving off of cattle, the beating of herdsmen, the compulsory removal of tenants, the levying of contributions in money, the robbery of dwelling-houses, the reckless commission of murder, were driving the better classes of inhabitants to desert their houses and seek refuge in some other quarter.'[2] Such were the conditions under which Mr. John Scott Vandeleur, a landed proprietor in the county of Clare, had the courage to undertake

[1] P. 302. [2] Ib. pp. 324, 325.

an experiment in participatory agriculture. The scene of it was an estate of 618 acres called 'Ralahine,' situated between Limerick and Ennis, and surrounding Mr. Vandeleur's dwelling-house. The experiment and its results are fully described in Pare's 'Co-operative Agriculture,'[1] a work the materials for which were mainly, I understand, supplied by Mr. E. T. Craig,[2] who was the secretary, and to a considerable extent the practical organiser, of the Ralahine Association. The following account of the experiment is condensed from the narrative given by Pare.

Mr. Vandeleur had, since 1823, been a disciple and friend of Robert Owen. Finding himself embarrassed, in the cultivation of Ralahine, by the ignorance and drunkenness of his labourers, and by their intense aversion to be directed in their work by a steward, he determined to give participation a trial, nor was he deterred from, but rather confirmed in, his purpose by the treacherous murder of his own steward, perpetrated not long before the commencement of the experiment and with at least the connivance of some of his own labourers. The agreement, made in November 1831, between the proprietor and the whole body of workpeople, men, women, and children, fifty-two in all, on the Ralahine estate, was as follows: Mr. Vandeleur was to supply the land, buildings, implements, stock and stores, and to pay daily wages at the ordinary rate. The 'Association,' of which the workpeople were constituted members, Mr. Vandeleur president, and Mr. Craig secretary, was to supply to the proprietor produce to the estimated value of 900*l.* as rent for his land and interest on his capital. The net profits were to belong to the Association, but were to be expended, not in individual distribution, but in purchasing the live-stock from Mr. Vandeleur, and for other objects advantageous to the Association as a body.

The experiment while it lasted was successful beyond all expectation, but unfortunately, before two years had elapsed from the signature of the original agreement, a single act of deplorable weakness totally unconnected with the proceedings of the Association put an immediate and calamitous end to the entire undertaking. Mr. Vandeleur, though a high-minded and benevolent man, was disastrously addicted to gambling. At his club in Dublin he indulged this passion to the extent of sacrificing to it everything he possessed in the world. His

[1] Longmans, 1870.

[2] A series of letters on the same subject contributed by Mr. Craig to the *Co-operative News* are, I am informed, to be republished in a separate volume, entitled *The History of Ralahine.*

total ruin fell on the little community at Ralahine with the effect of an avalanche. A *fiat* in bankruptcy was taken out against his estate, and, as the Association had no lease and their 'agreement' was legally invalid, they were summarily ejected without any compensation, and the land was seized for the benefit of the creditors.

Short-lived as was the Ralahine experiment, it has put on record invaluable experience as to the results of participatory agriculture on those brought under its influence. A few quotations from Mr. Pare's book will indicate of what kind these results were.

The first extract shows the capacity of participation to elicit increased zeal in work.

'We formerly,' said one of the labourers in speaking of their condition when working under the direction of a steward, 'had no interest either in doing a great deal of work, doing it well, or in suggesting improvements, as all the advantages and all the praise were given to a tyrannical taskmaster for his attention and watchfulness. We were looked upon as merely machines, and his business was to keep us in motion; for this reason it took the time of three or four of us to watch him, and, when he was fairly out of sight, you may depend we did not hurt ourselves by too much labour; but now that our interest and our duty are made to be the same, we have no need of a steward at all.'[1]

'At harvest time,' said Mr. Craig, 'the whole society used voluntarily to work longer than the time specified,[2] and I have seen the whole body occasionally, at these seasons, act with such energy and accomplish such great results by their united exertions, that each and all seemed as if fired by a wild enthusiastic determination to achieve some glorious enterprise—and that, too, without any additional stimulant being administered to them in the shape of extra pecuniary reward.'[3]

The next extract illustrates the carefulness in the preservation of property which participation calls forth.

'It is proverbial that an Irishman is ever ripe for excitement. Its kind and force will very much depend upon circumstances. He will either carry you on his back or lay you on

[1] Pare, pp. 60, 61.

[2] Baron Zytphen-Adeler says precisely the same thing of his Danish labourers. 'One day rye was being sown. When, at half-past seven in the evening, I found the people still hard at work, I remarked that in any case they would not succeed in finishing on that day the two-and-a-half acres which still remained to be sown. The labourers, however, at once declared unanimously that that *must* be done, and it *was* done.'—Böhmert, vol. ii. pp. 56, 57.

[3] Pare, p. 62.

your own, as you may treat him. During the hunting season it was customary with many of the peasantry to join in the chase for some distance, when the fox took across lands near where they were at their labour. In doing this they would pass over and trample down the young crops, and break down the fences, with as much nonchalance as the most legitimate huntsman who ever followed hounds—from whom, indeed, the lesson had been learned. A good run over the fields in chase of Reynard was held as capital fun.

'When, however, the members of the Association began to realise their true position, they would not permit any one to disturb the fences, or to hunt over the estate. During the winter of 1832, a hunted fox crossed the mill water-course near the rick-yard, and took across the orchard, and over a seventy-acre field of wheat in the highest tilth of any land on the estate. The mounted huntsmen—young squires, farmers, and tradesmen—to keep well up with the hounds on the wheat field, would have to pass through the farm-yard, but they found that by a sudden and mutual impulse, the large high gates of the farm-yard had been locked against them by the "New Systemites." Many of the huntsmen seemed perfectly astounded at the daring and "impudence" of these men. The incident shows that the new system had converted these once indifferent or careless servants into prudent conservators of the property under their care.'[1]

'Before the Society was established,' said Mr. Craig, 'the labourers conceived their own interest opposed to that of their employers, and would attend to nothing beyond their appointments for the passing moment. If a bullock broke over a fence and trampled down the wheat, they would say, "It's no business of ours, let the herdsmen see to it," and thus the wheat was destroyed because they got neither profit nor thanks for their extra trouble. They conceived it to be their interest to encourage clandestinely the destruction of property, believing that it would create a greater demand for their labour. But after the Society commenced this order of things was reversed. A single potato was by many of them very reluctantly wasted, for they found that the conservation of the property was the saving of their own labour. Thus the same faculty of mind—self-interest—produced opposite results when surrounded by opposite controlling circumstances.'[2]

A few months before the final catastrophe Mr. Vandeleur described the results to be anticipated from a wide extension

[1] Pare, pp. 117, 118. [2] Ib. p. 118.

of the system in the following words, part of an address to the Association on the employment of machinery in agriculture:—

'Tell the owners of land that if they wish to use machinery beneficially, they should form you into societies, where it cannot injure you, but where you would have an interest in using and protecting it. And should they be induced to unite with you in these arrangements, so advantageous to all parties, they would soon see a great, wonderful, and rapid improvement in the state of the country; there would be no more *starvation in the midst of abundance*, nor any necessity for industrious workmen to leave their homes, friends, and country, for foreign woods and wilds, whilst their native land remains but partially cultivated.'[1]

The verdict of the Ralahine labourers as to the effect of the experiment on themselves is contained in the following statement agreed to at the last general meeting of the Association. 'We the undersigned have experienced for the last two years contentment, peace, and happiness under the arrangements introduced by Mr. Vandeleur and Mr. E. T. Craig.

'At the commencement we were opposed to the plans proposed by them; but, on their introduction, we found our condition improved, our wants more regularly attended to, and our feelings towards each other were at once entirely changed from jealousy, hatred, and revenge, to confidence, friendship, and forbearance.'[2]

The eminently encouraging results attained at Ralahine under eminently discouraging circumstances seem to constitute a strong argument in favour of renewed experiments of the same, or of a kindred, description. The requisites are land, capital, and labour. We hear of farms unlet, of capital pent up in banks for lack of safe investments, and, in parts of Ireland at any rate, of a redundant agricultural population. On the other hand, the evil to which Mr. Vandeleur pointed, 'starvation in the midst of abundance,' is still uneradicated, and emigration is far from being a completely satisfactory cure. Can there, then, be a doubt that, with need so urgent and conditions so favourable, the remedy for agricultural weakness which participation seems to offer ought, with no further delay, to be submitted to conclusive trials made upon an adequate scale?

I regret that the relatively full treatment which agricultural participation seemed to me imperatively to demand has left space for only a few words on the application of the system to the important category of trading enterprises. It is not pro-

[1] Pare, pp. 69, 70. [2] Ib. pp. 137, 138.

bable that clerks and salesmen in shops can, even by the most zealous work, exert an influence upon profits comparable with that which can be brought to bear by men engaged in productive undertakings. Still, increased accuracy in receiving and executing orders, care of the stock-in-hand, and general watchfulness, will not be without their effect. M. de Courcy, one of the leading French writers on participation, considers the system to be applicable with advantage in every branch of distribution, from the very largest establishments down to the shop of the retailer who employs but a single assistant. This opinion is, to a considerable extent, supported by the experience of French participating houses.

In terminating this Paper, I may be allowed to refer, for more detailed treatment of the same subject, to articles contributed to the *Nineteenth Century* of September 1880 [1] and May 1881,[2] and to a Paper read before the Society of Arts on February 16, 1881,[3] and published in its *Journal.*

I may also be permitted to say that it is intended to form a Society having for its object to disseminate information on workmen's participation in profits, and that particulars as to the proposed Society can be obtained by writing to me at Trinity College, Cambridge.

On the Same.

By Joseph H. Fox.

As I have been asked to write a short Paper on the above question, I will endeavour briefly to describe an arrangement which was introduced into our works some years ago, and to give the results of our experience, hoping that they may not be without value.

The business in which this plan has been carried out is a woollen manufactory at Wellington, Somerset, belonging to Fox Brothers & Co. It has been in existence for more than one hundred years, having gradually grown from small beginnings to its present size. The number of workpeople employed is something under 900, in the following proportions, viz. 290 men, 300 women, and 280 children and young people under twenty years of age. These are drawn from the town and neighbourhood, and work on from generation to generation with very little change, many of them continuing in the service of the firm from childhood to old age. Such is the

[1] 'A Real Saviour of Society.' [2] 'Profit-sharing.'
[3] 'The Participation of Labour in the Profits of Enterprise.'

good feeling between the workpeople and their employers, that I can say from personal knowledge that since the year 1850 there has been no strike for wages.

Several years ago we began the plan of remunerating partly by results those who were in positions of trust, such as managers, foremen, clerks, &c., and this system has been gradually perfected, so that at the end of each year a sum of money is given to each in proportion to the year's profits, and also in proportion to their status.

Finding this plan work well, we took a further step in 1866, with the hope that by permitting our workpeople to invest their savings in the concern, and by paying them interest on the amounts thus invested in proportion to the profits earned, they might be stimulated to take greater interest in the welfare of the business, whereby its prosperity might be increased, whilst at the same time an encouragement might be given to habits of thrift. A code of rules was drawn up, and the people were invited to make their investments accordingly. I will not enter into all the details of the scheme, but will only describe some of the more important features. The rate of interest was fixed so as to vary between a minimum of 4½ per cent. and a maximum of 10 per cent., in proportion to the profits made, and the rate of interest to be paid in any year was based on a scale prepared by the partners at the time the arrangement was introduced; but rule 6 states 'that the partners will, immediately after the annual stocktaking in every year, declare the rate at which interest will be payable for the preceding year, but investors shall have no right to any further information as to the scale or as to the profits upon which such scale or the rate of interest is based.' There are various rules relating to the manner of paying in moneys, and also as to withdrawals, and as to the mode of action in case of the death of an investor. There is one stating that no borrowed money may be placed to the credit of an investor, and another that no person not in the employ of the firm may so invest. Rule 14 states that the partners retain the right to decline to receive any moneys. Availing themselves of this rule, they give notice to each investor that they will not take from him or her more than a certain amount, and this amount is regulated by the importance of the position held by that person. Thus they have maximum amounts given to them of 100*l.*, 300*l.*, 500*l.*, and 1,000*l.*, and in a few exceptional cases even higher.

In addition to the investment scheme that I have just

described there is an arrangement by which every one in the employ of the firm must be a member of some sick club, there being one connected with the concern to which all must subscribe who do not belong to some other. Medical relief is supplied gratis, an understanding having been come to with the medical men by which each workman may choose at the beginning of each quarter his own doctor for that quarter. There is also a provision for compensating those who may meet with accidents, and a payment is made during four weeks after her confinement to every woman, on condition that she does not return to her work during that time. The meals of those workpeople who take them on the premises are cooked for them free of charge, and a nursery is provided where the women can leave their babies during working hours.

Having thus briefly described the plan for investments that has been adopted and at work since 1866, and also some of the other arrangements for the welfare of the workpeople, I will now endeavour to describe how it has worked and what are some of the apparent results.

In the first place it has been thoroughly appreciated, and, as a proof of this, the number of investors is now 120, consisting of 92 men and 28 women.

Secondly. There has been scarcely any trouble experienced in carrying it out, and I am not aware that there has ever been any complaint made of the rate of interest given, although this has varied from 4½ per cent. to 10 per cent., nor am I aware that it has ever been suggested that the rate of interest was unfair or any wish expressed to know how it was calculated. The decision of the partners has in all cases been accepted without question.

Thirdly. It has on one or two occasions happened that when a high rate of interest has been paid applications for increased wages have followed, it no doubt being thought that as the business had been prosperous a better rate of wages could be afforded.

Fourthly. It is very difficult to form an opinion as to the effect produced on the carefulness and attention of the workpeople, and whether in this sense the scheme has answered. I believe it has in the case of many of the foremen and others in places of trust, but these have had, it must be remembered, an additional stimulus from the fact of their being partly paid in accordance with results. But with the ordinary workpeople there is not so much scope for showing interest, and as they nearly all work by the piece it can produce but little effect on their industry. There are, of course, many ways

by which economies may be effected, by the saving of material, by care of machinery, and in other ways; but it is very difficult to form a definite opinion as to the results of the scheme in this important respect. It must be borne in mind that in a manufacturing business the skill and judgment shown in the purchase of the raw material and the sale of the goods are important factors, and that when a large amount of raw material is worked up, and when the stocks both of raw material and of manufactured goods are necessarily heavy, and when there is a constant fluctuation in prices, the apparent profits are much affected by these fluctuations. These matters are, of course, outside the workpeople, and they feel that their exertions may be in part neutralised by other causes not under their control, and this probably operates prejudicially on the working of this scheme. Could they clearly see cause and effect, and directly trace the results of their increased watchfulness in the increased prosperity of the business, then their participation in the profits would probably have more definite results.

Fifthly. There is no doubt that the management of the business by the partners is much more closely watched by the workpeople, and especially by the foremen and others in places of trust.

Having thus endeavoured to describe some of the results of the plan carried out in our works, I will attempt to point out some of the lessons that these appear to me to teach, and also to state some of the difficulties that seem to me to threaten all schemes the object of which is to make the employed participators in the profits with their employers.

First. Unless a sufficiently large share of the profits be given, the desired effect will not be produced, that is to say that increased attention and intelligence will not be aroused which are necessary to ensure its success.

Secondly. The larger the interest given to the employed, and the more their prosperity depends directly on the prosperity of the concern, the greater will their influence become. As long as a business is prosperous and well managed all will go on well; large profits will be divided, and the *employés* will be satisfied. But when bad times come, either from depression in the trade carried on, or from bad management, then difficulties will arise—the workpeople may become dissatisfied, and in the latter case especially may insist on the management being changed. In any case the difficulties of the principals will be greatly increased, and they may come into awkward collision with their workpeople.

Thirdly. I fail to see that the introduction of industrial partnerships will altogether solve the wages difficulty. Divide the profits as you will between capital and labour, it will always be a question open to dispute whether that division is a fair one. It is true that by introducing plans whereby labour is to share directly in the profits made by the joint action of capital and labour the total profits earned may be augmented, and the earnings of the labourer be also increased, yet after all he may remain dissatisfied with his share, and may demand either an increase of wages, or a larger share in the profits.

In conclusion, it seems to me that the experience gained by the working out of the scheme adopted by us shows that when the basis exists of an excellent understanding and thorough good-will between the masters and workmen, and when the share of the profits given to the latter is not too large, then the system may be carried out successfully so long as the management of the concern is good and the business prosperous; but that the results on the profitable working of the business are somewhat dubious. It has, however, the advantage of avoiding to a large extent the difficulties which might arise were the share of profits divided among the workpeople to be on a larger scale.

On the Same.

By James H. Campbell, Barrister-at-Law.

Of the various plans for promoting the participation by labour in the profits of commercial enterprise, the one which for the magnificence of its professions and the authority of the social and economic theorists by whom it has been supported, has commanded the most attention and originated the most discussion, has been the co-operative organisation. In or about the year 1850 a number of social reformers, the principal of whom were Mr. Maurice and Canon Kingsley, dissatisfied with the existing relations of capital and labour, and perceiving how labour was handicapped in the competition by the absence of any systematic means for the acquisition of capital by the working classes, formed a Society for Promoting Working-Men's Associations, with the object of associating labour and capital in the purposes of production and distribution, so that each might share in the profits. This was no original conception, but one which was at that time in practice by a few isolated societies, which had kept alive the principles of Mr.

Owen's organisation, and the possible success of which was exemplified by the increasing prosperity of the Society of the Rochdale Pioneers, originated in 1844. In 1852, mainly through the exertions of Mr. Maurice, was passed the first Industrial and Provident Societies Act, and it is from this that we may date the inception of the present co-operative associations. At the outset the object insisted upon was, as I have said, to enable capital to be acquired by the working classes, so that they might undertake productive operations with their own capital, and thus divert to themselves the profits which the monopoly of capital had hitherto enabled their employers completely to appropriate. For this purpose co-operative stores for distribution were established, which, from the enjoyment of an assured and regular custom, and the inflexible principle of a ready-money business, would increase the purchasing power of wages, and thus give facilities for the accumulation of capital, to be subsequently devoted to purposes of production. A consideration of the present condition of the co-operative organisation and its plan of working will be the best guide as to the extent to which they have realised the anticipations of their promoters. In 1861 the members of the different societies numbered 48,000; in 1871, 249,000; and in 1879, 504,000. The capital possessed by the societies amounted in 1862 to 365,000*l.*; in 1871, to 2,530,000*l.*; and in 1879, to 6,700,000*l.*; while the net profits realised were, in 1862, 166,000*l.*; in 1871, 670,000*l.*; and in 1879, 1,600,000*l.* For some years the co-operative societies, owing in some cases to want of experience, and in others to the trifling scale of their transactions, were placed at a great disadvantage in buying in the wholesale market, as well in the quality of the goods, as in the terms on which they were obtained. To remedy this the principle of co-operation received a wider extension; and in 1864 was started the Wholesale Society, which is a federation of societies for the purpose, not merely of bringing themselves into direct contact with the producers, but also in some cases of producing for themselves. At the present time this Wholesale Society is a combination of 600 stores, with a trading capital of about 500,000*l.*, while the annual amount of its sales reaches 3,000,000*l.* It is the owner of a manufactory for the production of boots and shoes, another of biscuits, and a third of soap, besides being agent for several independent productive societies. It has depôts in several places throughout Ireland for the purchase of butter, potatoes, and eggs, while its latest venture has been a large steamer, for the purpose of its export and import trade between France and England. In connection

with it there is a banking department, with a turn-over estimated at 12,000,000*l.*, and a guarantee and insurance society with an accumulated fund of 18,000*l.* Another link of association among these societies is the Co-operative Union, which embraces about 500 stores, and was created for the purpose of propagating the objects of co-operation, which by the rules of the union are declared to be—first, to abolish all false dealing, both direct and indirect; second, to reconcile the conflicting interests of the capitalist, the worker, and the purchaser through an equitable division of profits; third, to prevent the waste of labour now caused by unregulated competition. The agencies adopted by the union are a newspaper called the *Co-operative News*, conducted by a highly intelligent and competent editor, the publication and distribution of the literature of co-operation, and an annual congress.

In Scotland there were in existence in 1879, 179 societies with 67,000 members, and a capital of 450,000*l.*, while the profits realised amounted to 240,000*l.* Ireland is as yet practically a stranger to co-operation, the number of societies in 1879 being given as 5 with a total of 321 members, the capital amounting to 1,600*l.*, and the profits to 1,482*l.*

The profits realised by the co-operative societies employed in distribution are greatly in excess of those of the ordinary retail dealer, for by selling their commodities at the market price, and in every case for ready money, they escape the deduction that has to be made from the other's receipts by the items of long credit and bad debts, while, as they do not ask for credit for themselves in the wholesale market, their purchases there are effected on more favourable terms. The existence, moreover, of an ascertained and regular custom from the members of the society secures to it the greatest efficiency for its capital. The profits thus made are distributed so as to provide a dividend of 5*l.* per cent. upon the share capital, the remainder providing dividends for the customers upon their purchases, and so satisfied do they seem with the security that 60 per cent. of the dividends are returned for investment. From this summary of its present condition it will be seen that co-operation, though still in its youth, exhibits undoubted signs of a healthy development, while it has already conferred many advantages upon the working-classes in their capacity as consumers. In the first place, it has abolished the credit system which worked so disastrously among the improvident poor, it has also supplied them with goods of a purer and superior kind, while its system of dividends upon purchases trains the recipients to habits of saving, and at the same time furnishes them with a suitable

investment. It will be readily seen, however, that societies of this nature contribute little towards enabling labour to participate in the profits of its industry. The labourer, as such, has no place in them, and the only parties interested are the proprietors and the consumers. It must be in the productive department of its organisation, if anywhere, that co-operation can realise its own profession of converting working-men into their own employers, by providing from themselves the capital as well as the labour required for production. The results, however, are far from encouraging, and if the late Mr. Thornton and Professor Cairnes, who foresaw from the influences of co-operation a complete and speedy revolution in the relations between labour and capital, could contrast their foresight with existing facts, they would see how unsafe it is to prophesy with reference to social regenerations.

In the year 1879 there were, according to the registration, about 1,000 co-operative societies at work in England, and of these scarcely one-tenth touched upon production at all, and only 15 were engaged in production strictly so called, a smaller number than were in existence twenty years ago; while during that period over 150 of these productive societies have ended in financial failure, offering a striking contrast to the success of the societies for distribution. The disastrous history and present unsatisfactory condition of co-operative production must, in my opinion, be mainly attributed to the want of a sufficient capital to enable these societies to hold out in seasons of depressed trade. Originated in each particular trade at times of unusual activity, by capital supplied by the distributive societies and individual shareholders, they have been unable in the inevitable return of corresponding depression to hold out sufficient security to investors. Much capital is withdrawn and sales have to be effected in a falling market.

These facts, however, afford no justification for condemning the essential principles of co-operation as applied to production, for as yet these principles have never been fairly tried. The majority of these societies have hitherto been mere commercial speculations, supported as I have said by the distributive societies and ordinary shareholders, without admitting labour either to a share in the management or in the profits. It will hardly be credited that the workmen in the manufactories attached to the Wholesale Society, the headquarters so to speak of the co-operative organisation, and under whose auspices a congress is annually held to proclaim to the world the benefit co-operation confers upon labour, are absolutely debarred from any share in the profits, and are merely in receipt of the ordi-

nary rate of wages, without even the prospect of their brethren in joint-stock concerns of some time or other becoming the holders of shares. It is time for co-operators to cease preaching about the excellence of their theory, or giving reasons for the faith that is in them; we would prefer to know them by their fruits. It is hardly a matter for surprise that working-men have hitherto looked askance at co-operation, seeing that its actions are so much at variance with its profession. There is, indeed, always an interchange of greetings between the trades unions and the co-operators at their respective congresses, but the latter have up to the present failed to attract the financial or even the moral support of the former. At the Trades Union Congress of 1878, an amendment to the usual resolution in support of co-operation, declaring 'that the system invariably pursued by the co-operative store committees of reducing their workmen's wages below the ordinary employer was detrimental to the best interests of labour,' was only defeated by a majority of 39 to 25 votes. I am satisfied, indeed, that the theory of co-operation, or any other form of industrial association, while capable of unlimited expansion in its application to distribution, is destined to enjoy but a restricted sphere for its operation in production. It is entirely unsuited to all trades which partake more or less of a speculative character, not only from the difficulties experienced in the acquisition of fresh capital, but from the disastrous consequences that failure would entail, not upon an individual, as in the case of a capitalist, but upon a community. The ability moreover to combat the vicissitudes of a speculative trade, and to combine the art of production with that of buying and selling, is less likely to be met with in any board of managers, however competent, than in the concentrated intelligence of the industrial capitalist sharpened by the incentive of an isolated interest. There are, however, certain kinds of manufacturing enterprises to which the principles of productive co-operation might be advantageously applied. I refer to those in which the products are such as are in regular and constant demand, and those in which the cost of production is largely composed of wages, while the fixed capital is comparatively trifling in amount. I see no reason why there should not be working in conjunction with each of the more important distributive societies, or with a combination of such societies in a particular district, a society for the purpose of producing the various manufactured articles most in request by the members of the store, and which, as compared with independent productive societies, would have the advantage of an ascertained and reliable body of customers, and the sympathy and experience of

an existing association. If co-operation is ever to be anything better than a means of cheapening commodities for the consumer, it must come to its own assistance in this matter of production. Let it not look for the necessary funds to capitalists or investors, for its objects are avowedly antagonistic to the former, while as yet it has not inspired confidence in the latter; nor expect that trades unions will invest funds saved for great emergencies in undertakings by which hitherto the working man has been so little benefited. The difficulty, however, in acquiring capital is not insurmountable, and could find a solution in a way that would at the same time test the sincerity of co-operators. In the majority of the existing societies interest at the rate of 5 per cent. is paid upon all invested capital. The attraction of such a rate of interest to investment on the one hand, and on the other the difficulty experienced by the societies in employing it with a profit, have accumulated on the hands of many of them a surplus capital, while others find themselves compelled to refuse any further investments, and in some instances have returned them to the subscribers. Now the application of this surplus capital to productive industries, carried on as suggested in conjunction with the store, and for the purpose mainly of supplying the requirements of its members, would not only result in financial benefit, but also, if conducted in accordance with the true principles of co-operation, afford the best possible illustration of the advantages to be derived therefrom. A difficult problem would then arise for solution, and one which has proved the rock ahead to most of the societies that have already attempted production. I refer to the question of the division of profits. It has been suggested by those who are desirous of abolishing all distinction of capital and labour as separate agencies, that the profits should all be divided as interest upon capital. Such a plan might be applicable in those cases in which none but the labourers were shareholders, but even then such a system would afford no standard by which to discriminate the various kinds of labour and their reward. Others have proposed to fix a definite rate of interest upon capital, and devote the remainder of the profits to increased wages. The shareholders, however, would be certain to demur to any such arrangement in seasons of active trade, while it would fail to supply workmen with such an opportunity of accumulating their savings as if the increase came in the shape of interest or bonus upon wages. The most feasible plan would seem to me to be to determine upon a certain rate of interest upon capital, and allow the remuneration of labour to be deter-

mined by the market rate of wages, the surplus profits to be divided by the same percentage between capital and wages.

Another form in which the surplus capital of the societies might find useful employment would be in providing healthy and commodious homes for labourers. This has been already tried, in some instances with success, but experience seems to be against the practice of building these houses in blocks. Wherever possible, the occupiers should choose their own sites, for Englishmen do not like to be herded together, and the national disposition towards isolation will always prove fatal to any scheme to establish in our midst such associated houses of industry as Owen and Fourier contemplated.

The success of the late Mr. Gurdon's experiment, at Accrington, is an indication not only of the advantages resulting from the application of co-operation to agriculture, but also of the means best suited to its application. In 1830, Mr. Gurdon let a farm of sixty-six acres to fifteen men, each of them to be the holder of a 3*l.* share, while he advanced them a loan of 400*l.* for the purpose of stocking. This loan has long since been paid off, and the farm is now held by twenty-one members, and consists of 133 acres, at a rental of 202*l.* 10*s.*, while a few years ago an original share was valued at 45*l.* Mr. Gurdon started a second farm in 1853, which at present is held by thirty-six members, and consists of 213 acres, rented at 355*l.* They, too, have repaid a loan of 400*l.*, while the stock at present on the farm is valued at 1,200*l.* The profits of the farms are divided in kind among the members. The different co-operative societies might in this way rent farms for the purpose of supplying their members with the products, and would be enabled to provide from amongst themselves what it has been felt would be the great essential in such an enterprise, competent managers. Undertakings of this character are far more likely to meet with success in the present state of agriculture in England, with its large farms and proportionate capital, than any attempt on the part of the societies to convert their members into peasant proprietors, while they would also be saved from the cumbrous form and heavy charges incident to the ownership of land.

I need not delay to refer at any length to the latest outcome of co-operation, the Civil Service Supply Associations, and others of a similar character whose aim is to save the consumer from the increase of price, which the bad debts incident to the credit system of retail dealers imposed upon him. These stores resemble the co-operative societies in the adoption of ready-

money dealing, but in using this advantage for the sole purpose of cheapening prices they do not give to their customers the direct incentive and opportunity afforded by the others for the saving of capital by the system of accumulated dividends upon purchases, and contribute nothing towards the association of labour in the profits of its employment, and will eventually, when they have converted retailers to the ready-money system, go down before the industry and self-interest of the individual capitalist. Much attention has recently been directed to another form of industrial association—the industrial partnership or profit-sharing company—in which the capital is to be subscribed by the proprietors, and a certain portion of the profits applied as a bonus upon labour. An experiment of this kind was tried about the year 1866 by the Messrs. Briggs, colliery proprietors in Yorkshire, but some years after, at the time of the extraordinary rise in the price of coal, the shareholders became dissatisfied with the 10 per cent. fixed rate of interest upon their capital, and eventually the enterprise was reduced to a joint-stock concern. Industrial partnerships do not seem to me to possess any advantages which are not also to be found in the co-operative organisation, while they want those which are peculiar to the latter system. Such enterprises, moreover, in my opinion partake too much of the philanthropic spirit of the day, which, as it has to everything else, has extended its patronage to the industrial classes. Philanthropy of this kind, however well intentioned, needs to be reminded that of the thousand and one schemes which it has promoted for the regeneration of the masses scarcely one remains, while the only two organisations which have contributed anything towards such a result in the present century—trades unions and co-operation—owe their success to the unaided and spontaneous efforts of the working classes themselves, and have asserted their position in spite of legal impediments and the vigorous opposition of other classes in the community. In expecting, as the effect of the spread of co-operation, that it will restrict if not abolish competition, its promoters are I believe fated to be disappointed. Such a result would be impossible until co-operation occupied the whole area of production and distribution; but this it is never likely to do. At the present time it is engaged in fierce competition with the retail dealers, and even if it could effect their complete destruction, co-operative societies would then enter into competition with each other. And, indeed, if the result were possible it would be far from desirable. Absence of competition means monopoly; without it there would be no means for the determination of market

prices, which not only benefit the community by bringing the surplus of one season to supply the scarcity of the next, but also afford a ready standard to regulate the remuneration of the different elements of cost of production, and supplies workmen with a safeguard against exclusion by their brethren.

In conclusion, I would like to say a word as to the position occupied in this question by trades unions. For those who believe that capital and labour will still pursue their independent paths, as distinct agencies over a wide field of production and distribution, and that the distinction of employers and employed is in the nature of things likely to be an abiding one, it must be gratifying to see that trades unions are daily increasing in strength and prosperity, and extending their sphere of usefulness, while by the moderation of their tone and the prudence of their counsels they have fulfilled the anticipations of their friends, and wrested the respect even of their enemies. While making no effort to further the participation by labour in the profits of industry, save in so far as they indirectly contribute towards such a result by enabling workmen to bargain with their employers upon an equal footing, and to resist any arbitrary reduction of their wages, they have not only taught their members, by the principle of association and sympathy, the way to raise their social and political condition, but by moral and educational influences have kept in view what might easily be lost sight of in the fierceness of industrial competition, that 'the life is more than meat and the body than raiment.'

DISCUSSION.

The PRESIDENT (Mr. Goldwin Smith) said that the Section was greatly indebted to the three gentlemen who had read papers on so interesting a subject, and one which was of such momentous importance. Everything which tended to improve the relations between employer and employed, and to purify and sweeten the atmosphere of industry, must help to avert from society the great storm which seemed to be gathering over it in the shape of the various forms of socialism.

Mr. J. J. MURPHY (Belfast) said that as a partner in a flax-spinning mill he was an employer, but he did not profess to speak as a man of business. Putting together all the facts, the general results of experience seemed to indicate that in Great Britain co-operation had been much more successful in distribution for consumption than in production. Co-operative stores had been a great success, while co-operative factories had been comparative failures. Of course in social experiments the principle of natural selection must be allowed to operate freely, and the continued success of distributive stores would justify their increase and expansion. He was not very sanguine about industrial co-opera-

tion; but it was desirable that experiments should be fairly tried; and it was perhaps inevitable that there should be many failures before success was achieved. The chief social difficulty, at least in Great Britain, was the failure of the working classes to comprehend the conditions under which they lived, and every experiment of this sort must have the effect of increasing the knowledge.

Mr. E. Harold Carter (Birmingham) said he had had considerable experience as auditor of several manufacturing concerns, and private enterprises, which had endeavoured to carry out the principles of sharing profits. He would like specially to refer to Mr. Taylor's paper, and to express his great appreciation of the research and information which had been brought to bear upon this important subject. The most important point they had to consider was, how far such a system as Mr. Taylor advocated could be brought into practical operation in the industries of the United Kingdom. In his (the speaker's) opinion, such a system as Mr. Taylor proposed could work practically only in the case of those industries where profits occurred with something like regularity, and in which losses seldom occurred. In cases more fluctuating considerable difficulties would arise, and it was to the best way of meeting these that he wished specially to address himself. He believed the most successful instances of the working of the system had occurred in France and Switzerland, where business was less liable to considerable fluctuations than in this country. The working classes here were much more given to deal with the present than the future, and it was almost too much to expect them to be satisfied with any such arrangement as that proposed by Mr. Taylor, where they could not see any present advantages. The old proverb of a bird in the hand being worth two in the bush was too deeply engrained in the popular mind to make any system of deferred profit-sharing likely to be acceptable to the masses. Mr. Taylor had suggested that this was to be met by putting on one side reserves in good years towards losses in bad years, but great complications might arise. In attempting to deal with future losses, they would certainly be dealing with an unknown quantity, which it was quite impossible to estimate with anything like success. While, therefore, those principles in the case of fluctuating businesses could not be applied *in extenso*, he saw no reason why those workpeople, who from their position of responsibility might be presumed to be capable of appreciating the advantages of such a system, should not have the benefit. In several fluctuating concerns, of which he had had experience, arrangements had been made by the heads of departments and superior workmen, by which they had a yearly percentage on the profits, and in all these cases the system had worked with uniform success. The next question was whether something could be done by which the great masses of working people might derive the benefits proposed under this system. He would suggest that the arrangement of graduated wages, known popularly as the sliding scale, would be the best means of meeting the difficulty. The wages in these cases rose and fell according to the market value of the articles produced. Sliding scales must be considered as hardly a scientific way of profit-sharing, but as profits of

ordinary business usually fluctuated much in the same proportion as the selling prices of the commodities, sliding scales would give a rough and ready gauge of profits. He would therefore support sliding scales, not as a substitute for the plan advocated by Mr. Taylor, but rather as a means of co-operating with, and supplementing the excellent system he had described.

Professor Bonamy Price (Oxford) considered that the greatest difficulty they had to deal with in these days was the want of energy in the working classes, the want of giving an adequate return of labour and effort for the compensation in money which was given for it. This was a problem which had not been solved thoroughly, but he believed that Mr. Taylor had indicated the first stage, which was worthy of a trial, and which might be extended into other developments. Mr. Taylor said they should give the workman a portion of the profits. The great difficulty was that if they gave rewards to workmen they did not get compensation for them in return. Mr. Taylor's answer was that the *employé* would put more energy into the work. He would not give any extra reward to the labourer if the profit had not been earned, but if earned then the labourer would come in for a share. Mr. Taylor's doctrine was that the labourer would thus feel that he had a stake in the prosperity of the business, and this was worthy of a trial. The other scheme of Mr. Fox was also interesting. Here was given the principle that the workman should put money into the business, and the difficulty stated by Mr. Taylor, that the workman was to reap a profit without encountering any risk, became formidable in the last degree. Mr. Fox said he would put the minimum at 4½ per cent., but he (the speaker) did not think it possible that 4½ per cent. could be given by merchants to men in a business where they took no share in the loss. Such an investment would bear a premium in any market. The Speaker of the House of Commons made a similar experiment in agriculture, stating that if any men on his farm would lend him money he would give 2½ per cent. on it as a minimum. The Speaker, however, found it a failure; the men would not contribute a stake in the business, and the thing fell to the ground. With regard to co-operative stores, they did not solve the problem at all. They were in substance on wholesale terms, selling without the middle-men interfering and enhancing the price to the consumer. The co-operative stores had done a great thing for the country, as they had in many purchases annihilated the middle profits. With regard to the 'sliding scale,' in order to be successful it involved a great number of points which he had not time to discuss.

Mr. William Saunders (Streatham) said there were a great number of businesses in existence to which the principles of co-operation could be applied if the proprietors would admit their *employés* as *bonâ fide* partners. The principle of limited liability could be adopted in connection with any business without making it a public company, and this would enable the proprietors to introduce their *employés* without the inconvenience attaching to ordinary partnerships. The mere distribution of profits was not sufficient to stimulate *employés*, because it did not give them a permenant interest in a business. In two

instances the principle of giving the *employés* a share in the undertakings had been accompanied with great results. In one case a business was threatened with severe competition, some of the *employés* were offered double the amount of their wages to go to the new concern, and the only thing which held them together was the fact that they were shareholders in the undertaking. Another case was that of a mechanic who, having shown great perseverance in the work in which he was engaged, was told one day by his employer as an encouragement that he would in future be considered as a partner to the extent of 100*l.* The next day the man came to his employer and suggested an arrangement which saved the business 50*l.* a year. Shortly afterwards the man died, and the 100*l.* made a comfortable provision for his widow. Such cases could be multiplied indefinitely, had they only confidence in their *employés*, and allowed them to know what was going on. In four or five cases which had come under his notice this had been done, and nothing but benefit had resulted from it. The introduction of the principle of co-operation would be an easy matter if businesses were made into limited companies, and shares given as a reward to *employés* for their special attention and assiduity.

Mr. Abraham Greenwood (Rochdale) said he had been intimately connected with a large company where they introduced the principle of what they called paying bounty to the labourer. This, up to a certain period, was a great success, and they got the best hands in Rochdale, but he believed the success of it led to its failure. They made such large profits that there came a rush from the outside of shareholders, who swamped the original promoters. These endeavoured several times to abolish it, and at last they succeeded. He was a shareholder in another concern (the Hebden Bridge Co-operative Manufacturing Society), where the limit capital should receive was fixed at 7½ per cent., the profits after that being shared between capital and labour. This had been successful, the work-people were large shareholders in it, and the Society was conducted with the greatest possible economy. With regard to the paying of bounty, he did not look on this as giving something to the labourer, who ought to earn the money. When the capitalist took the labourer into partnership, he allowed the latter to make his capital more prolific than it would be. With regard to a scale, his plan of regulating the profits would be to fix the minimum wages. What the workman needed weekly should be paid on account, until the stock-taking and balance came round, when he should receive what was his due, and which would act as a regulator of wages. If ever they got capital and labour reconciled it would be by a combination of this sort. Another case in which they paid a bounty on labour failed because the profits were so small that there was hardly anything to pay, and that the labourer did not think it worth receiving. The idea of allowing the labourer to participate in the profits was growing, and a large number had adopted the principle, which he believed would be greatly extended.

Mr. Charles Eason (Dublin) remarked that he was in favour of the principle of the workmen to participate in the profits. He was not sure, however, that they had come to the state of confidence in one

another which would enable them to do this. The greater portion of the failures which had arisen in connection with these undertakings had been caused by the incapacity of those who had administered the capital. Too much was claimed for the mere capitalists, but he thought the alternative plan might be feasible where workmen and others with particular qualities could unite in the creation and constitution of new firms. This seemed the fundamental idea of Mr. Taylor's proposition, and it might be accomplished from that point of view. It was well known that in large houses a graduated scale of remuneration dependent on profits was paid to a number of the *employés* whose position and influence in the concern had largely contributed to the results. The only defect which arose in connection with that was in attempting to carry the principle lower down in the scale. He had had for a great number of years the administration of a large concern, and the problem to which he had applied himself was to work out the establishment of entire confidence between men and employers, so as to let them feel that they were considered to be contributors in the results of the business, and this he endeavoured to accomplish by a gradual increase in their salaries. It might be less perfect than Mr. Taylor's system, but in a large proportion of the best houses in Manchester and London something like this principle prevails, and it should not be assumed that there was any evidence of benefits given to a certain class only. One important element in co-operation was that the man wasting his time could be called to his duty by others; thus the general results of the business would be improved, and more energy thrown into it. How far this could be applied in relation to agriculture in such a country as Ireland it was not for him to say. He was pleased to find that Mr. Taylor had referred to Colonel Vandeleur's experiment, and he saw no reason why it should not be extended. If there was one occupation in which care and thought were likely to be more successful than in any other it was in connection with agriculture. The carelessness, waste, and lack of energy shown in the agriculture of Ireland was in painful contrast to that which was exhibited in Switzerland and Belgium.

Mr. Standish O'Grady (Dublin) could not understand how socialism, as it was generally understood, differed much from the principle of co-operation, when pushed to its final conclusion. If all profits were to be distributed on the co-operative principle, each member of society would be, to a certain extent, both a capitalist and a labourer. If agriculture was to be conducted on this plan he could not see what room there would be for the capitalist in Ireland, and in that case the condition of things would be merely socialistic. The general result seemed to be that the co-operative principle could not succeed because, were co-operation the order of the day, rival societies would enter into competition with each other. At the same time, although co-operation apparently is not destined to succeed, the fact that so much attention is being devoted to it, and that the people believed in some arrangement between capital and hired labour, must be taken into account as a political factor in the progress of the age. Every reflecting person seemed to be agreed that the condition of

society was characterised by many forms of injustice, and that some cure was absolutely necessary. He should be glad if any one who understood the subject of socialism could give a clear idea where that began and ended.

PROFESSOR SHAW (Trinity College, Dublin) said that Mr. O'Grady appeared to believe that the universal adoption of the principle of co-operation in production would not be distinguishable from the principle of socialism. If he had followed the Papers and the discussion carefully, he would have found that no one had advocated either of the two leading principles of socialism, namely, that no man should have any private property distinct from the community; and secondly that the products of industry should be compulsorily divided among the producers in certain forms. Neither of these was an essential part of co-operation, and none of the members had touched upon these principles. Co-operation and socialism were entirely distinct, because, if socialism involved co-operation, co-operation did not involve socialism. The discussion had somewhat wandered from the special question, and had turned rather upon the practicability of co-operation in production than upon the results that might be expected from it. If co-operation were practicable there seemed to him little doubt as to the beneficial results which might be expected from the participation of labour in profits. The question might be regarded from three aspects, the economic, the moral, and the political. As to economic results, the products of labour depend in a great degree on the skill and intelligence of the workman, and it was impossible, under the present system, where the workman was a mere mechanical drudge, working for weekly wages, that anything like the amount of energy or skill could be developed that would be found under a system which gave him a direct share in the results of his own industry. As to the social results, the conflicts of the past had been chiefly political, but the day was coming, if the present system endured, when the conflicts of this nation would not be between party and party, but between class and class. A social revolution must be looked for if a state of things was continued which caused the *employé* to look on the capitalist as his tyrant and natural enemy. He was convinced that the only hope of society for the future was the gradual working out of a new industrial system in which every man would have a personal interest in the products of his labour, and when it would be to his own interest to work with his utmost energy and skill, and when the continued daily conflict of interests between master and workman would be impossible. For that reason he was delighted with Mr. Taylor's Paper, and with the stimulating hopefulness that ran through it. They might expect an enormous amount of failures before success was reached, and the man who was daunted by a few failures was not able to lead or even to follow. If co-operation were to be successfully carried out, and the workman to have a share in the profits, he must also be prepared to take his risk in the losses of the business, and this necessarily involved a share in the management. This would meet some of the difficulties which had been raised, and while it would expose the workman to many risks, it would on the other hand tend to avert the loss

arising from speculation to a great degree. A revolution of this sort must of necessity be slow, and the working classes would have to begin by making sacrifices.

Mr. WILLIAM BOTLY (London) said the question had been raised as to whether the principle of co-operation could be satisfactorily applied to agriculture, and, having some knowledge of the subject, he could answer in the affirmative. But, in the first place, they must look to the education of the agricultural labourer, and the scale of wages must be that of the locality in which the labourer was placed, with a certain division of profits periodically. He took an entirely opposite view from Mr. O'Grady as to the bearing of socialism on the question of co-operation. What was wanted in agriculture was the introduction of more capital to the soil, especially in a country like Ireland.

Mr. W. F. BAILEY (Dublin) referred to the great importance of the question. When they looked on the spread of socialism, some such scheme as co-operation was an absolute necessity for society as it advanced. The two great schemes seemed to be capital and socialism. Capital had been tried for many years, but the labourer asserted that he did not get his due reward, and then he asked for socialism. There was the greatest difference, however, between co-operation and socialism. The latter would do away with all individual exertion, while co-operation, on the other hand, tended to give the labourer an individual power of adopting any particular system of work which might suit him or the country. It was a system of individuality, which at the same time did away with the great injustice imposed by the present system on the labouring classes. When they considered how co-operation had worked in England, France, and Germany, he thought they would come to the conclusion that it was eminently suited for raising the position of the labourer. Co-operation had failed in many instances within the past few years, chiefly owing to the fact that many of the societies established in England were not on a right basis. They might have co-operation for the purpose of distributing, but that was not true co-operation; what they should look to for information were rather the great co-operative societies of Paris. Co-operation should be a scheme which would in the end take the place of the present system, and give the labourer a due share of the profits of his labour.

Mr. THOMAS CONNOLLY (Dublin) said that under the present industrial system England had increased in population and wealth, while her trade and commerce had developed in an unprecedented manner. There should therefore be some very important reasons for changing such a system. He was fairly convinced from practical experience that no system profitable to the nation could develop more labour than the working people now gave. He believed there could be no better incentive to men than being under a good employer. Theory was an excellent thing, but Tom Steele, who found that his experiments did not exactly come into accordance with practice, said it was the devil who invented practice to contradict theory.

Mr. FOX, in reply, said that Professor Bonamy Price had objected to the scheme on the ground that the workmen did not run any risks.

He wished to say in reply that Professor Price was somewhat mistaken in this statement, as all who participated in the scheme had to sign an agreement, whereby they became liable to the extent laid down in 28 & 29 Vic. cap. 86, viz. that in the event of the firm becoming bankrupt or insolvent the lender of any such loan shall not be entitled to recover any portion of his principle or interest until the claims of the other creditors have been satisfied. In considering this matter they had to try to meet all the difficulties of the problem of making the workpeople participators in the profits without giving them undue influence in the control and management of the business. Some of the results of the working out of the systems had proved to be different from what they had anticipated. The workmen, although they had begun by investing small sums, had in almost every case left the whole of their accumulation in the fund. About one third of the men employed had become investors, and in this number were included the most valuable and the most intelligent.

COMMERCIAL DEALINGS WITH OTHER NATIONS.

What Principles ought to govern our Dealings with other Nations, as respects Tariffs, Bounties, and Commercial Treaties? By JAMES J. SHAW, M.A., Professor of Political Economy in the University of Dublin.

THERE are many indications that the battle of Free Trade may have to be fought over again in this country. This is, no doubt, disappointing and disheartening to enthusiastic Free Traders, who have been accustomed to look upon the long controversy between Protection and Free Trade in this country as finally settled, and to consider the doctrines of Free Trade as far beyond the reach of unfavourable criticism as the Copernican theory of the solar system. But for my part I cannot regard the revival of the controversy as altogether unfortunate. Controversy on any question is better than unreasoning and unintelligent assent even to the right answer. Since Free Trade principles were accepted as part of the financial policy of this country, a new generation has grown up, accustomed to take Free Trade as they found it, and for the most part unacquainted with the facts and arguments which forced it upon the unwilling conviction of their fathers. Few of this new generation could give any account of their Free Trade principles except that they had been taught by Adam Smith, a great philosopher, that his arguments had gradually commended themselves to the wisest heads of the nation, that statesmen of all parties had at length

been forced into willing or unwilling acceptance of them, and that their wisdom and soundness had been fully vindicated by the splendid success of the financial and commercial policy founded upon them. It is needless to say that, if the intelligent application of Free Trade principles is to advance among us, and if we are to succeed in persuading other nations to embrace them, clearer ideas and better arguments than these must be forthcoming. I for one, then, am far from sorry that the question of Free Trade should again be agitated amongst us. I think all Free Traders should be glad that men are compelled to investigate this question anew, and to search into the foundation of reason and experience on which Free Trade principles rest. The result can hardly be doubtful. The oftener and the more keenly the question is reargued, the more surely will the sophisms of Protection be exposed, and the less danger will there be of a popular relapse into Protective ideas.

And the reagitation of this question will have other good effects besides that of instructing the new generation in the scientific basis on which Free Trade rests. It will show us how very imperfectly after all we in these countries have carried out our Free Trade principles. We are accustomed to consider ourselves model Free Traders, and to think that we have nothing to learn, and nothing more to do in this matter. A thorough agitation and reinvestigation of the whole subject will teach us to think much more humbly of ourselves in this respect, and will reveal strange inconsistencies and shortcomings on the part of the great Free Trade nation of the world. I shall be very much disappointed if the new cry for reciprocity or Fair Trade do not ultimately result in a much more thorough and scientific application of the principles of Free Trade to our own fiscal policy. And if once we adopt our own professed principles in all their breadth, and apply them boldly and consistently to our own policy, I have little doubt that we shall have much greater success than we have hitherto had in persuading other nations to follow our example.

These introductory remarks lead directly to the special question which I have been asked to discuss, because my first answer to that question is, that the great and dominant principle which ought to govern our dealings with other nations in respect of tariffs, bounties, and commercial treaties is the determination to make trade absolutely free, so far as we have the power to do it, entirely irrespective of the policy pursued by other nations. The subordinate principles which follow

from this leading principle will appear in the course of the discussion.

I shall begin by briefly indicating the basis on which this leading principle itself rests. Adam Smith has pointed out that the wealth and material comfort of every society depend upon the amount of useful commodities which the labour of that society is able to produce or procure. The political arrangements of the society affect its powers of producing and procuring commodities chiefly in proportion as they allow, or interfere with, freedom of production and freedom of exchange. Everything which hinders the free play of the workman's skill and energies, which confines him to particular methods of work, and interferes with his freedom of invention, is so much hindrance to his productive powers, and therefore to the increase of the wealth of the society. Everything, again, which interferes with freedom of exchange, which confines the labourer to certain markets for the disposal of his product, or puts artificial difficulties in the way of his resort to others, is so much hindrance to his power of procuring by his labour the commodities he needs, and is therefore a hindrance to the increase of wealth. And every interference with freedom of exchange is also by reaction a hindrance to freedom of production, inasmuch as it tends to limit the division of labour, and to prevent that concentration of the workman's energies on the work for which he is best fitted, which is one of the great conditions of the increase of wealth. Freedom of production, therefore, and freedom of exchange are the two great political conditions of economic prosperity. Now, freedom of production and freedom of exchange are the two elements of Free Trade. To give freedom of trade, therefore, is in Adam Smith's view the one great step which the Government of any society can take to promote the industry and wealth of that society.

Modern Protectionists, unlike their predecessors, are not disposed to question this principle so far as the internal trade of a country is concerned. They do not now propose to confine trade for its own good within the limits of certain cities and districts, and to set up the toll-bar at the entrance to every market town. They do not now propose to protect the West of England against Yorkshire, or Liverpool against Glasgow. But it is easy to see that the very same considerations which make it economically inexpedient to interfere with freedom of production and exchange as between the different classes of producers in one country, make it also inexpedient to interfere with freedom of trade as between the producers of different

countries. If the wealth of a country is best promoted by each man working and exchanging the products of his work unhindered by artificial regulations of mode, time, and place, how can this rule of common sense lose its virtue when the workman seeks to exchange the product of his labour for the production of some other country? Why is it for the good of trade and the increase of wealth that the Leeds manufacturer should be free to exchange his cloth for any product he pleases of Scotland or Ireland, but against the good of trade and detrimental to wealth that he should be free to exchange it for the products of France or America? Suppose Scotland had remained separate from England: would it then have been for the good of English trade that Liverpool and Manchester should be protected against the competition of Glasgow? If so, why should it now be for the good of English trade that Glasgow is free to compete with Liverpool or Manchester? How does the political connection affect a purely commercial question? No consistent answer can be given to any of these questions by those who distinguish between freedom of internal and freedom of external trade. In fact, so far as commerce is concerned, the distinction is utterly baseless. There is not a single economic argument which can be urged in favour of restrictive or protective duties as between different countries, which could not be urged with equal force in favour of placing a barrier of protective duties round every great city or every great manufacturing district in the kingdom. There are, of course, political considerations as distinct from economical, which render restrictions upon freedom of trade as between the members of the same community more glaringly absurd, and more really hurtful, than the same kind of restrictions as between different communities. But every *economic* argument applies to the one case as strictly as to the other, and it is on economic arguments that Protectionists profess to base their system.

But leaving these first principles of the subject, let us proceed to apply them to the several branches of the question now under discussion. And first let us take the subject of—

TARIFFS.

It is evident that we have no power of directly interfering with the tariffs of foreign nations, and that the only mode in which we can hope to modify foreign tariffs is through the instrumentality of Commercial Treaties. Under this head of our subject, then, I shall confine myself to the question of our own tariffs, and consider what reforms we may effect in these in the

direction of increased freedom of trade. Some people may suppose, because we have no customs duty which is of a distinctively *protective* character, that therefore we have none which violates the principles of Free Trade. But this is a mistake arising out of our habit of constantly opposing Protection to Free Trade, so that we come to think that there is nothing inconsistent with Free Trade but Protection. There may be many restrictions and regulations which interfere with freedom of trade, and which yet are not protective of home industry—nay, which are restrictive, or even prohibitive, as regards home industry. Take, for example, the regulation which forbids the culture of tobacco in these countries. This is certainly the very reverse of *protection* to native industry; but can anything be conceived more directly and glaringly opposed to freedom of trade? Every tax upon commodities, whether protective or the reverse of protective, is an interference either with freedom of production, or with freedom of exchange, or with both, and is therefore opposed to Free Trade. Every such tax is, besides, invariably and necessarily accompanied with regulations for collection and for the prevention of smuggling, which are still further restrictive of freedom of production and exchange. Nobody who has not specially inquired into this subject can have any idea of the enormous waste of wealth, and of the vexatious interference with industry, that are involved in the maintenance of our present system of customs and excise duties. The tax on tea and that on tobacco are a disgrace to any nation professing the principles of Free Trade. Not only are they grossly unjust, as taxing the poor in their innocent comforts far more heavily than they tax the rich, but they tend to cripple our trade with two of our most important customers, China and America, and by the arrangements for their collection they involve an infinitude of vexatious and hurtful restrictions upon freedom of trade at home. I have not time to follow this subject into detail; but those of you who will read Mr. Cliffe Leslie's essay on 'Financial Reform' in the second series of the Cobden Club Essays will be convinced, I think, that we have still much to get rid of in our fiscal policy before we can be said to be thorough-going Free Traders. In respect of the question of *tariffs*, then, I would deduce from the general principle with which we set out, the following subordinate principle as one that ought to govern our dealings with other nations, viz. that we should set ourselves at once to remove every tax upon foreign produce coming into this country for the maintenance of which no paramount moral reason exists. The income tax, which has been the great instrument in the

past by which reformers were enabled to repeal or reduce vexatious and hurtful taxes, will, when reformed on scientific principles and applied universally, be the great instrument for the completion of our Free Trade policy in the future.

This reform of our fiscal policy, I need hardly say, is to be undertaken on its own merits, and upon our own views of what is most expedient for the development of trade, and entirely independent of any consideration of what other countries may choose to do or not to do in the matter of Free Trade. The idea that we must shape our policy in this matter to meet the policy of other nations, and that we cannot afford to part with restrictive duties till we have compelled or persuaded other nations to part with theirs, is entirely inconsistent with Free Trade principles. There are those who say that they are Free Traders, indeed, and hold by the principles of Free Trade in the abstract, but that they object to our present one-sided Free Trade, and can consent to the adoption of Free Trade in the concrete only if there is to be what they call 'Reciprocity.' Now, if by objecting to a one-sided Free Trade and calling for Reciprocity these theorists merely meant that it would be much better that trade should be free on all sides, and that we should do our best by every legitimate means to obtain reciprocity in freedom, I should most heartily agree with them. A one-sided Free Trade is, in my view, a comparatively poor sort of Free Trade, and Reciprocity in freedom would be extremely desirable. But this is not what these men mean. They mean that if trade is not to be free on all sides, it is better that it should not be free on any side; and that if we cannot have reciprocity in Free Trade, it is better that we should have universal Protection. And I take leave to say that those who hold these views are so far from being Free Traders, either in the abstract or the concrete, that they do not understand the very elements of the question. Their position evidently is, that the free admission of the products of foreign countries is, in itself, a disadvantage, for which we require to be compensated by the free admission of our products into other countries. For if the free admission of foreign products be not in itself hurtful, why should a one-sided Free Trade be so objectionable? And why should Reciprocity be so indispensable if we are not incurring a loss which requires compensation? But these two conceptions, both of the disadvantage which we incur by a one-sided Free Trade, and of the sort of compensation for which we should seek, are equally and fundamentally at variance with Free Trade principles. For, as we have seen, the great object of commerce is, to obtain for a given amount of our own labour

the greatest possible quantity of the commodities we consume; and the free admission of foreign products, being a direct means to that end, is in itself, and irrespective of all other considerations, a distinct and unequivocal advantage. And as for compensation, it is not the man who gets commodities, but he who parts with them, that requires to be compensated. If we get large supplies of goods from abroad, it is not we who require to be compensated, but those who send us the goods. And we have no means of compensating them but by sending them our goods in return. If, then, their political arrangements prevent them from getting our goods as freely and as cheaply as we get theirs, it is they and not we who suffer the loss, and it is they and not we who are in need of compensation.

But, furthermore, these two conceptions of disadvantage and of compensation are radically inconsistent with each other. We are under the disadvantage, say these theorists, of taking foreign products, and we ought to be compensated by the foreigner taking our products. But not even the Fair Trader wants the foreigner to take our products without paying for them. It is not the taking of our goods, but the paying for them, that we require. It is not the getting rid of our goods, but the getting of the price, which is the main part of the business for us. And how does the foreigner pay us for the goods he takes? Why, of course, by sending us his own in exchange. What other means of payment has he got? And the more of his goods we get for ours, the better we are paid. So that, unless we are to be compensated by the foreigner taking our goods without paying for them (a sort of compensation which does not savour of Reciprocity), it would appear that the disadvantage we are under of taking foreign goods is to be compensated by the foreigner sending us more. In fact, it turns out that the supposed disadvantage and the proposed compensation are one and the same phenomenon, so that the compensation we demand can only result in an increase of the disadvantage we complain of.

'Quod genus hoc pugnæ, quâ victor victus uterque?'

One would think it almost too obvious to require pointing out, that the disadvantage of which the Fair Trader or Reciprocity man complains as arising out of our present system can only be intensified by our one-sided Free Trade being made reciprocal. Can any one for a moment suppose that, if other countries freely admitted our products, there would be any diminution in our imports of foreign products? It is surely

too evident to require stating, that the more of our products are sent abroad, the larger must be the payments sent back to us, and that those payments can come in no other form than the products of other countries. Universal Free Trade, therefore, or Reciprocity if it were attained (which I heartily wish it were), instead of freeing us from the supposed disadvantage of being flooded with foreign goods, would only increase the flood to a deluge, and hasten the terrible destiny which is said to be before us of being brought to pauperism by a superabundance of wealth.

These considerations further show how superficial is the view of these questions taken by those who dwell upon the continued excess of British imports over British exports as an ominous symptom of the condition of our trade. An excess of imports over exports, if such a phenomenon were really possible, would not be a very alarming symptom of a nation's economic condition, any more than an excess of income over expenditure would be of the pecuniary condition of an individual. If we import more than we export, we get more than we give, and that is not a sign of an unprofitable trade. But a continued excess of imports over exports is not really possible, for the simple reason that what we import we must pay for, and that our only means of payment is by what we export. So that imports and exports must balance each other in the long run. But, it may be said, exports need not balance imports, as we can pay the balance in money. No doubt, but how do we get the money? Gold and silver are not products of these countries; and if we have got gold or silver to export, we must first have imported it, and paid for it in goods of our own production. The gold we get from Australia is paid for by the goods we export to Australia; and it makes little difference whether we pay France her account against us by goods we export direct to France, or by goods we have exported to Australia in exchange for the gold we send to France. In either case, it is the goods we export that pay for the goods we import. In fact, buying and selling, as every one knows, are only two sides of one transaction, and there can never be more buying than selling either between individuals or nations. The continued excess in the return of our imports over exports in recent years is due to the fact that in former years there was a like excess of exports over imports. Nearly every country in the world is in our debt, and has to pay us interest, or principal, or both. Hence if they pay their debt they must send us more than they take from us, just as they incurred the debt by taking from us more than they sent.

We can hardly object to being paid our debts; and if we are to be paid at all, our imports must show an excess over our exports.

It is, of course, open to any one to say that he fully recognises the advantage of Free Frade, even of a one-sided Free Trade, to the nation which adopts it, and that he sincerely believes the maintenance of restrictive duties to be an injury to the country which maintains them, but that it is sometimes necessary to submit to a partial evil for the sake of a greater good, and that Protection on our side may be necessary to force the hands of foreign nations, and compel that universal adoption of Free Trade which we all desire. This is a position logically consistent, however we may doubt its wisdom or expediency. I, too, admit that it may be sometimes necessary to impose restrictive duties, as when it is impossible otherwise to raise a necessary revenue, or when they are dictated by moral considerations which outweigh any merely economic advantage. But that it can ever be expedient to adopt Protection for the purpose of propagating Free Trade is, I think, more than doubtful. War may sometimes be necessary, though peace is always desirable; but war undertaken for the promotion of peace is surely a grotesque form of hypocrisy. And can any one seriously believe that we are likely to convert other nations to Free Trade by ourselves going back to Protection? What facts of history, or what law of human nature, is such a likelihood founded upon? Have Protectionist countries been more successful than ourselves in winning concessions from their neighbours? And suppose that at this time of day we relapsed into Protection, would it be believed that we had done so simply out of zeal for the conversion of our neighbours to Free Trade? Would foreign countries be profoundly impressed by the extent of the sacrifices we were ready to make for their education? Or would they sneer, and say that we had at last found out the folly of our boasted system? An attempt to coerce foreign countries into Free Trade by entering upon a war of tariffs and of retaliatory duties would have two effects which we could reckon upon with certainty. It would deeply injure other countries, and it would still more deeply injure ourselves; but that it would conciliate instead of exasperating, that it would convince instead of hardening, our Protectionist neighbours, is what no wise man would venture to prophesy.

I have dwelt too long on this part of the subject, and now proceed to consider the question of—

BOUNTIES.

As, in dealing with the question of tariffs, we were practically confined to the question of how we should deal with our own tariffs, so in considering the question of bounties we are practically limited to the consideration of foreign bounties. We have no bounties of our own, and are not likely ever again to have any. The only bounty that has given rise to much discussion in recent times is the French and Dutch bounty on the exportation of sugar. The question how to deal with such a bounty seems to me a very simple one from the Free Trade standpoint, and the answer I give is, 'Do nothing.' It is no doubt very foolish of the French or Dutch Government to tax its own subjects in order to cheapen our sugar, and we should never think of asking such a favour from them. But if they choose to make us a present of that sort, why should we object? Sugar is an article of the greatest utility and of universal consumption, and it is an enormous advantage that it should be cheap and easily procured; and I think the people who consume sugar would have good reason to complain if their governors did aught to prevent their getting it on the easiest terms. No doubt our sugar-refiners may suffer temporarily from loss or derangement of business; but the sugar-refiners are a small handful as compared with the sugar consumers, and in these matters we must look to the greatest advantage of the greatest number. The sugar-refiners have not suffered anything like what the hand-loom weavers suffered from the invention of the power-loom, but nobody proposed to protect the latter from the competition of cheap clothes. Whilst sympathising with inevitable suffering, we must in these matters keep a firm hold of principle, or we shall be led into endless perplexities. The spectacle of the great Free Trade nation, whose boast it is to buy in the cheapest market, complaining that the market is being made too cheap, would not be one likely to impress foreign nations with the sincerity and thoroughness of our Free Trade convictions.

COMMERCIAL TREATIES.

The subject of commercial treaties is at present exciting much interest from the termination, by notice in the past year, of Cobden's celebrated Treaty with France, and the negotiations for its renewal. There can be little doubt in the minds of those who have paid any attention to the subject that the changes in the French and English tariffs which were the

result of Cobden's treaty gave a great stimulus to the trade and industry of both countries, and that a relapse on either side into a narrower and more restrictive system would do great injury to the trade and industry of both. And yet it may be open to doubt, on the part even of the most sincere admirer of Mr. Cobden, whether the French treaty of commerce and the system of treaties which it inaugurated have really much advanced the cause of Free Trade. The French treaty, apart altogether from its own merits and the merits of the system to which it belongs, was peculiarly unfortunate in some of the circumstances of its origin. One of the parties to the treaty was not free, and did not accept the increased freedom of trade which it conferred from a conviction of its value to themselves, but simply as part of the policy of the irresponsible ruler who at the time controlled their destinies. The French people were not convinced free traders, but were only the subjects of a free trader, or of a man who chose to pose as such. The treaty, therefore, never had the hold upon the minds and feelings of the French people of a measure springing out of their convictions and felt needs; and the years which might otherwise have been well employed by the many wise and skilful economists of France in making the French people a nation of intelligent free traders, have been spent in passive acquiescence in the terms of the treaty as a matter settled by paramount authority, and in regard to which argument was mere waste of breath. Such arguments as free traders in France did address to their countrymen were treated as academic exercises, or as the interested defences of imperial policy. And when the crash came in which the Empire fell, the treaty of course shared in the discredit which attached to all measures peculiarly identified with imperialism. And the effect upon other European nations was not favourable to Free Trade. They regarded the treaty as part of the imperial policy of alliance with England, and, instead of being attracted by its example, were rather alarmed and rendered suspicious. (I cannot help regarding the few courageous and statesmanlike words spoken on behalf of Free Trade the other day in Normandy by M. Gambetta, the chosen spokesman and leader of the French people, as of better omen for Free Trade in Europe than any treaty our diplomatists can secure.)

But, leaving the special circumstances of this particular treaty, let us look at the question of commercial treaties in general, and inquire how far they are likely to prove potent instruments for the advancement of sound economic views and practice.

And, in the first place, it is evident that the very conception of a treaty of commerce tends, of itself, to raise and encourage false notions of economic expediency. For such a treaty is essentially a bargain by which one party agrees to admit to its markets certain products of the other, in consideration that the other party shall in its turn admit to its markets products of the first. 'We will admit your silks on condition that you shall admit our cotton.' Now can anything be more evident than that the impression such a bargain tends to produce on the minds both of the parties to it, and of all who are looking on, is that the admission of foreign goods is in itself a disadvantage, which is submitted to only in consideration of what is regarded as a more than counterbalancing advantage? The admission of French silks is inevitably regarded by the bulk of the people as something which taken by itself would be foolish and hurtful, but which it may be wise to submit to as the necessary condition of obtaining the admission of some of our goods into France. For, if the free admission of foreign goods be in itself wise and useful, and if their exclusion be foolish and injurious, why should there be any bargaining about it? Why should I refuse to accept a benefit unless and until my neighbour accepts a similar benefit? And why should I refuse to throw off a weight which encumbers me until my neighbour agrees to disencumber himself of the weight that oppresses him? Nothing can be more absurd from the point of view of Free Trade than this higgling between two nations about the acceptance of mutual benefits. Fancy two wise men bargaining with one another about the giving up of evil habits. 'If you give up opium, I will give up dram-drinking. I know that dram-drinking is ruining me soul and body, and if you give up opium I would gladly give it up: but if you persist in opium I am sorry for it, for in that case I must continue my dram-drinking.' It is quite true, of course, that there are wise men in both nations who know that the admission of foreign goods is not a disadvantage to be compensated, but a distinct gain for which to be thankful, and that the bargaining by treaty for compensation is only a device to quiet and satisfy the weaker members. But the question we have to ask ourselves here is, How far is it wise or expedient, for the sake of a small temporary advance in freedom of trade, to adopt a form of treaty which inevitably confirms and perpetuates the false notions of commercial policy which it seeks to conciliate? I am not prepared to say that there is no treaty which could be devised whose immediate advantages would be great enough to justify us in proceeding on unscientific principles, and encou-

raging unscientific ideas of trade; but I am bound to say that I have grave doubts whether any treaty we are likely to make with any foreign nation at the present time is worth the sacrifice of strict scientific principle. We need not be in haste to snatch small temporary gains in a matter of this sort. 'He that believeth shall not make haste.' The future belongs to science in this department as in all others; but the triumph of science will come, not through diplomatic higgling, or the cunning manipulation of vulgar prejudices, but through the unwearied preaching, in season and out of season, of the truth, the whole truth, and nothing but the truth.

But there is another very grave practical objection to the system of commercial treaties. In order to obtain such a bargain as a treaty of commerce contemplates, each party to the bargain must have something to give up as a concession to the other. The people of these countries cannot negotiate such a treaty with another country unless they have duties on the products of that other country which they can offer either to reduce or repeal. But at present we have hardly any such duties, and, if we develop our Free Trade system a little further, we shall soon have none at all. If we pass over the duties on tea and tobacco, which can hardly survive the next extension of the suffrage, we have no duties which we can offer to repeal except those on wines and spirits; and these it is almost impossible to touch without creating a sort of social revolution. How, then, are we to bargain when we have nothing in our hands to bargain with? The triumph of Free Trade in any nation makes commercial treaties an impossibility for that nation. If, then, we are to keep up a system of treaties of commerce, we must keep up a system of restrictive duties as its basis. So that this great engine for the advancement of Free Trade requires that the system of Free Trade should never be complete. Or if, after repealing all possible duties on foreign goods, we are to continue the system of treaties, what means of purchasing concessions are we to put into the hands of our diplomatists? Are they to use threats of retaliation, and of reverting to old protective tariffs, as the means of extorting further freedom of trade from foreign countries? And is the world to witness the edifying spectacle of the great pioneer and missionary of the truth forcing the acceptance of the true faith on unwilling peoples by threats of itself relapsing into idolatry?

I have much more that I might say upon this subject, but my time is up, and I have said enough to indicate the grounds on which I hold that this country should keep itself clear of the entanglements and embarrassments and inconsistencies that

are necessarily involved in treaties of commerce. The people of these countries have the greatest commerce the world has ever seen: they understand, and have carried out, the true principles of commercial policy more fully than any people has ever done before: and is it wise or dignified that they should be fixing their tariffs and regulating their trade, not in accordance with their own better sense of what is right, but in deference to the half-lights of their neighbours? I think the better course for this country is to take her stand on the firm ground of scientific principle, to order her tariffs and her commercial policy on the system that she judges wisest for herself, and to leave other nations to act on such wisdom as they have got, praying Heaven to grant them more.

On the Same.

By Professor W. H. S. Monck, M.A.

THE subject selected for this Paper is such a wide one, that you will not be surprised if I confine my attention mainly to one branch of it—that of tariffs, or duties on exports and imports; but I believe if we could arrive at certain conclusions on that subject, their application to the questions of bounties and commercial treaties would be comparatively easy. The principle which has governed our dealings with other nations on the subject of tariffs for more than thirty years past is that known as Free Trade, while rival systems have been from time to time advocated under the names of Protection, Fair Trade, and Reciprocity. All these principles, however, have been more talked about than defined, and I suspect that the popular notions relative to them are far from clear. Free trade is of course inconsistent with prohibitions and monopolies, and it is likewise inconsistent with duties on exports or imports, which operate as prohibitions except in certain abnormal conditions of the market. But can it be said that Free Trade is inconsistent with all duties on imports and exports? If so, we have never acted on that principle; for at this moment upwards of twenty millions a year of our annual revenue is derived from these sources. And if consistent with the present duties, is not Free Trade equally consistent with any higher duties which are not prohibitive? Higher duties would indeed limit the trade. Exports and imports would undoubtedly be diminished in quantity if heavier taxes were imposed on them. But if this limitation of the trade is sufficient to exclude the principle of Free Trade, any duty on exports or imports will exclude it; for there is no

commodity which would not be dealt in more largely if duty-free than if subject to a duty. Raising the duties will always diminish a trade, and lowering them will always increase it. This holds good between the two extremes of a prohibitive duty and no duty at all. A principle which asserts that duties should not be prohibitive is intelligible. A principle which asserts that imports and exports should be exempted from all duties is intelligible; but if it is admitted that duties may be imposed, provided that they are not prohibitive, where are we to find any principle for defining their amount? A duty of five shillings on each pound of tea would not prevent the importation of that commodity, neither of course would a duty of one penny on each pound. How are we then to determine on principles of Free Trade whether the duty should be at the former or the latter rate, or at some intermediate rate, or lastly whether there should be no duty at all? I confess I can discover no definite answer to this question. If the free trader was pressed on the subject he would perhaps say that tea should be admitted at the lowest duty compatible with maintaining the national revenue. But the national revenue could be maintained without any duty on tea, if we raised the same amount by some other kind of taxation; while if the proceeds of the tea duty were quadrupled, it would only afford us an opportunity of reducing other taxes. The principle of free trade tells us nothing as to what proportion of the total taxation of the country ought to be raised by a duty on tea, or on any other imported commodity, and therefore, if it is consistent with the taxation of these commodities at all, it is consistent with any duty which is not prohibitive. But a prudent financier will never impose a prohibitive duty. He will find that long before the point of prohibition is reached an increase in the rate of duty will not augment the revenue, and when the duty has reached this point he will raise it no higher. Is there then anything in the principle of Free Trade which prevents all exports and imports from being taxed up to the point which will yield the largest revenue? In one case I think there is. Whenever a commodity can be produced, either at home or abroad, free trade prescribes that the foreign-made commodity shall be subject to no greater burdens than the home-made. If we admitted American whisky into our ports duty-free, while the Irish and Scotch distillers had to pay heavy duties, we should evidently be giving an undue advantage to the Americans; but if we imposed a higher duty on American whisky than on Irish or Scotch whiskies, we would also be regarded as violating the principle of Free Trade. And of course, when the home-made article is duty-free, the foreign-

made article ought on the same principle to be admitted free of duty also. This principle may be partially extended to such commodities as wine and brandy, which, though not produced in this country, are used as substitutes for the spirituous drinks of our own manufacture. Our distillers and brewers would be harshly dealt with if, while continuing to tax home-made whisky and ale, we allowed wine and brandy to be imported free of duty; and on the other hand, the duties on wine and brandy might evidently be raised so high as to place the foreigner at a great disadvantage. But in the case of tea, coffee, and tobacco, not only do we not produce these articles at home, but we do not produce any other commodities possessed of similar properties; and therefore the guidance afforded by the burdens on home-made commodities is here inapplicable. Duties of five shillings a pound and of a penny a pound on teas, for instance, seem to me to be equally reconcilable, or, if you prefer it, equally irreconcilable with free trade. As a matter of principle, there is no medium in such cases between no prohibitive duty and no duty at all. And even as regards articles which may be produced either at home or abroad, we may raise our duties on the foreign-made commodity to any extent, provided that we raise the duty on the home-made article to the same extent. Free trade as thus understood is quite consistent with a large increase in our duties on imports, both as regards the commodities taxed and the amount of the tax. High and low tariffs are indeed merely relative terms. There is no such thing as a high or a low tariff absolutely. A high tariff simply means a tariff that is higher than usual, and a low tariff one that is lower than usual. I assume, of course, that the high tariff is not prohibitive.

If protection means prohibition, or prohibitive duties, I do not think it is likely to be revived. A prohibitive duty brings in no revenue to the State except under peculiar circumstances, and under these circumstances it ceases to be prohibitive; as, for example, a prohibitive corn duty may produce a revenue in a season of unusual scarcity, because the foreign merchant is then able to pay it, and to realise a profit on his corn notwithstanding. As a rule, however, a prohibitive duty without producing any revenue compels us to buy from the home-manufacturer, at say 11*l.*, an article which in the absence of the duty we could buy from a foreigner for 10*l.* We thus, in fact, pay a tax of 10 per cent. on the value of the article, no portion of which goes to augment the public revenue. But it may be said that it goes to benefit the English capitalist and the English labourer. Even if it did so, there would be no gain to

the country. A portion of the population would be benefited at the expense of the remainder. But does such a duty really benefit the capitalist? Not if he could apply his capital to some other business at an equal rate of profit, which in most instances he could do. Or does it really benefit the labourer? Not if he could obtain employment in some other kind of work at the same wages, which in most instances he could obtain. In fact, if we allowed the foreigner to sell the prohibited commodity in our markets, he would obtain payment for it either in goods or money. If he took payment in goods, we would require very nearly as much capital and labour to make these goods, as are now required to make the protected commodity. Nor would the case be altered if we paid him in money. For money—that is, gold and silver—is not one of our home productions. We should have to buy the gold and silver which we required from some country which produces them with goods produced in England; and these goods would require nearly as much capital and labour for their production as is now employed in producing the protected commodity. Prohibitive duties are useless, unless in their absence foreigners could undersell us, and whenever this is the case, the British consumer pays a tax which is of very doubtful benefit to the British producer. The most probable effect of relieving the consumer from the tax would merely be that the producer would produce something else, and derive an equal profit from his new occupation. That every one should be allowed to buy in the cheapest market, is a principle the truth of which is almost self-evident. But in applying it to practice two things must be borne in mind. First, that we should not impose more burdens on one market than on another, and then make our purchases exclusively in the latter, on the pretext that it is cheaper—its relative cheapness being in fact solely the effect of our own financial legislation. And secondly, it is not necessary that a cheap market should be toll-free. On the contrary, the market which is naturally the cheapest, is that which is capable of bearing the heaviest tolls. If a market is naturally cheap, we need not employ artificial means to render it cheaper. Its natural cheapness will attract purchasers without our intervention.

Protection in the sense in which I have been considering it, however, finds few advocates at present, and there are likewise but few persons who advocate (except under special circumstances) the imposition of duties on exports. On the contrary, a large portion of the duties on home-made articles is usually given back on exportation, and in some instances

an attempt has been made (however unwisely) to foster an export trade by means of bounties. Duties on imports therefore become the main problem for consideration. I have already stated my reasons for holding that such duties should not be prohibitive, and also that we should not forego them altogether. But the subject requires further examination. I ought perhaps in the first instance to qualify my statement that duties should not be prohibitive. Foreign-made commodities should never be subjected to fewer burdens than home-made commodities; and if these burdens are high enough to prevent the importation of the foreign-made commodity, by all means let it be prevented. We should never be deterred from taxing a foreign-made article as highly as if it was home-made, by the consideration that in that event the tax would operate as a prohibition. There is surely no harm in excluding from our ports commodities which, apart from taxation, we can produce more cheaply at home.

Foreign-made commodities should be subject to no greater burdens than home-made commodities. Granted; but what *are* the burdens to which home-made commodities are subject? Home-grown corn and home-produced beef and mutton pay no excise duty; but are we therefore to assume that they are subject to no taxation? In England at least they are still subject to tithe. But what is tithe? Is it not a tax imposed by the nation for a public purpose, namely, the religious education and instruction of the people? If the tithe was paid into the public exchequer and the clergy were supported by annual grant from the State, nobody would doubt this; but how is the case altered by making the tithe payable directly to the person who undertakes to give the requisite amount of religious instruction as an equivalent for it, without passing through the national treasury? A similar remark applies to a large extent to poor rate and county cess. These are taxes levied for public purposes, and their nature would be in no respect altered if they were paid into the public treasury, and the objects for which they are levied defrayed out of the national revenue. In considering the burdens to which any home-produced commodity is subject, the centralisation or localisation of our taxation should be thrown out of account. The only question of importance is what amount of taxation has been imposed on it directly or indirectly for public purposes, whether local or general. In this taxation of course rent is not included. That rent is not a burden to which home-grown corn is subject is indeed sufficiently manifest from the fact that the corn is often grown by

the owner of the soil. And I am willing to admit that tithe, poor rate, county cess, and income tax all operate to a certain extent as taxes on rent, and to that extent they should be left out of consideration also. But besides operating as taxes on rent, I think it clear that to a certain extent they operate as taxes on corn and meat; and, in so far as they affect home-produced corn and meat, they ought to be considered when we are dealing with the importation of these articles. If we admit American corn and American meat into our ports duty free, while home-produced corn and meat are subjected to no slight taxation, we are not practising free trade, but giving an undue advantage to the Americans. It may be that the benefits to be derived from cheap corn and cheap meat are such as to outweigh this consideration; but that is no reason why we should shut our eyes to the facts. The British corn or meat which is exposed for sale in our markets has always paid a tax before it appears there. The American corn or meat which is placed in competition with it has paid no tax to this country, and probably little or none to the Government of the United States. If this is free trade, it certainly is not fair trade. The parties are not competing on equal terms. The home producer is placed at a decided disadvantage as compared with the foreigner.

I have hitherto spoken as if free trade in a particular article—in American corn, for example—was a thing that could exist by itself. But nothing seems clearer than that it cannot do so. All political economists, I believe, admit that international trade is a system of barter. To this statement payment in cash forms no exception. It is simply bartering silver or gold for other commodities, our coins being received by foreigners merely as so much silver or gold. To this system of barter the assent of the Governments of both countries is requisite; and the trade is not free—at least if that term is used in its widest sense—unless both countries concur in allowing this barter to be effected free of charge. I shall here take Mr. Mill's imaginary case of a trade between England and Germany in which English cloth is exchanged for German linen. Cases so simple as this rarely occur in practice, but the principles applicable to simple and complex cases are usually the same. Mr. Mill supposes that in England ten yards of cloth can be produced at the same cost as fifteen yards of linen, while in Germany it costs as much to make ten yards of cloth as to make twenty yards of linen, the expenses of freight and insurance being so small that we may neglect them. In this state of things it will be for our

interest instead of making linen at home to make an additional quantity of cloth and to exchange our superfluous cloth for German linen; for we can make ten additional yards of cloth at the same cost as fifteen yards of English linen, and when made we can buy twenty yards of German linen with it. The benefits of this trade would evidently be measured by five yards of linen to every ten yards of cloth exported by us. Here I may observe, in the first place, that England alone cannot secure free trade—that is, a free exchange—in these two commodities. She may allow cloth to be exported and linen to be imported free of duty, but she cannot prevent the Germans from taxing the linen exported by them or the cloth imported in exchange for it. She can only make the trade free at one end: it remains for the Germans to make it free or not free at the other. If neither country imposed any duty, the benefits of the trade, amounting, as I have said, to five yards of linen on each ten yards of English cloth exported to Germany, would probably be divided pretty equally between the two countries, there being no special reason why either of them should obtain more than the other. In such a state of things the trade might be called free. But now, suppose that the Germans impose a duty of 20 per cent. on the value of all cloth imported into that country from England. This will not stop the trade. Ten yards of English cloth, after paying the duty, will still purchase sixteen yards of German linen, while at home it would only purchase fifteen yards of English linen. But the unappropriated benefits of the trade, instead of being five yards of linen to each ten yards of cloth, are now reduced to one yard, the remainder having been appropriated by the Germans in the form of taxation. If our merchants succeeded in securing for themselves the whole of these unappropriated benefits they would get less than half of what they had received before, and England would really be contributing to the German exchequer, inasmuch as that exchequer would absorb the profits which she had lost. If, however, the Germans raised the duty on cloth to 30 per cent., the duty would become prohibitive. After paying the duty, ten yards of English cloth would only purchase fourteen yards of German linen, whereas it would purchase fifteen yards of linen at home. Cloth would therefore cease to be exported to Germany until the duty was reduced, which in all probability it soon would be, since the Germans would feel the loss of the revenue which they had hitherto derived from their duty on English cloth. It is possible, however, that the English people might be so ill-advised as to grant a

bounty on the exportation of cloth, in order to revive the trade. A bounty of 10 per cent. would undoubtedly revive it; but it would do so under such conditions as to enable the Germans to appropriate to themselves in the shape of taxation not only the whole of the natural benefits of the trade, but something more. This is indeed the usual effect of bounties on exportation. They either create at our expense a trade which has no natural advantages, or else enable other countries to tax the trade to the full extent of its natural advantages or even above them. But if foreigners *will* grant bounties on the goods which they export to England, we certainly ought not to lose the opportunity of increasing our duties. Indeed, we are bound in the interests of free trade itself to do so. For a bounty must be considered as a set-off to the burdens to which any given commodity is subject, and if, while taxation is otherwise equal, the foreign producer alone obtains the benefit of this bounty, the parties are no longer competing on equal terms.

Again, suppose that, instead of the Germans imposing a tax of 20 per cent. on English cloth, we impose a tax of 20 per cent. on German linen imported into this country. Ten yards of English cloth will purchase twenty yards of linen in the German market as before, but on arriving at our ports that quantity is practically reduced to sixteen yards by the tax. Ten yards of English cloth will thus be of the same value in our market with sixteen yards of German linen, which is precisely the same effect that was produced when the Germans imposed a tax of 20 per cent. on the importation of English cloth. Cloth and linen will exchange for each other in the same proportions in both cases, and the prices of both commodities will be the same. The only difference will be that the taxation which enriched the German exchequer in the former instance will now enrich the English exchequer. The Germans would have got more than their legitimate share of the benefits of the supposed trade in the one case; we would get more than our legitimate share of it in the other. In neither case would the consumers of cloth or linen gain anything directly; but in the former case the German consumers would gain indirectly by the remission of other taxes, while in the latter the English consumers would obtain the same indirect benefit. For it should never be lost sight of that our duties on imports are not lost or thrown into the sea. We require to raise from seventy to eighty millions a year in taxation, and if to this we add local taxes (as I think we ought to do), the amount to be raised will probably not fall short of one hundred

millions. Every shilling of this vast sum which is not raised by duties on imports must be raised in some other way. Duties on imports may raise the price of imported articles, but excise duties will certainly raise the price of home-made articles, and other taxes like the income tax will diminish our means of purchasing all commodities, whether home-made or imported. But the cheapening of any useful article confers no benefit on me if my means of purchasing it are reduced in the same proportion. Even if I lived altogether on imported commodities, I would gain nothing by a reduction of 10 per cent. in the price of these articles if I had to pay an income tax of 10 per cent. in order to obtain this reduction. Taxes on imports are not, therefore, on principle more objectionable than any other kind of taxes, while they evidently possess two peculiar advantages. The first of these is that a tax on imports is always partly borne by foreigners. The second is that we can never be certain that a reduction in the tax will cheapen the commodity, or that an increase in the tax will render it dearer. For, as I have pointed out already, its cheapness or dearness depends on the sum of the duties to which the trade is exposed at both ends, and not on the amount of the duty imposed on it at our end only. Would it not be a mockery to admit American corn to our ports duty free if we compelled the importer to pay a tax on the price which he received for it? And how would the case be altered if the tax on the price was paid by the buyer instead of the seller? But if it is granted that by compelling the buyer to pay a tax on the price of any imported commodity we really tax that commodity itself, it must equally be granted that this effect is produced when the buyer is taxed by another country—with this difference, that the tax goes to enhance our own revenue in the one case and to enhance the revenue of a foreign country in the other. Now we cannot prevent other countries from taxing the price of imported commodities—from taxing the goods which we give to foreign merchants in exchange for them. We cannot render the barter—the exchange—between the two countries free. Both countries must concur before that object can be effected, and in the meantime, by making it free at one end, we only enable it to bear heavier taxation at the other.

I may illustrate this by the case of two riparian proprietors who are supplied with water on condition of working a mill in which both are interested, but each of whom is also allowed to use the water for irrigation provided that enough is left in the channel to work the mill. The efficiency of the mill may

of course be seriously impaired without stopping it altogether; and in this state of things it occurs to one of the proprietors that if he lessened his irrigation the mill would do more work. He does so accordingly; but the other proprietor finding more water now flowing in the channel than formerly, concludes that he can increase his irrigation while allowing the mill to do as much work as before, and accordingly he proceeds to divert an additional portion of the stream. This is, I believe, a pretty accurate picture of what has been going on since we adopted the principle of free trade, or rather since we lowered import duties which originally were not prohibitive. When we reduced our duties on imports, the first effect was a fall in their prices, because the foreigners did not at once discover what English articles would bear additional taxation in consequence of this remission, or what amount of additional duties might safely be imposed on these commodities. But in general as we diminished our irrigation at one side of the stream, they increased their irrigation at the other. As we reduced our taxation on their productions, they imposed additional taxes on the commodities which we offered them in exchange. Trade probably did not increase more rapidly than if the taxation at both ends had remained unaltered; but as we absorbed less and less of its benefits in taxation, other countries absorbed more and more. Foreigners are anxious, no doubt, that we should continue to apply the principle of free trade in the same way that we have hitherto done, but they do not adopt that principle themselves; because the one-sided adoption of the principle leads to abnormal profits on the other side.

For my own part I believe our duties on imports might be largely increased with advantage to the country. Prohibitive duties are indeed highly objectionable if adopted as a permanent arrangement. They should rather be regarded as international strikes and lock-outs—to be adopted when strikes and lock-outs are justifiable, but not otherwise. But no duty should be regarded as prohibitive which does not seek to absorb the whole benefits of the trade. To refer to Mr. Mill's case once more, if the Germans imposed a duty of 20 per cent. on the value of English cloth imported, and if we afterwards imposed a duty of 10 per cent. on German linen, the latter duty would act as a prohibition, because the benefits of the trade would not be sufficient to bear the sum of the two duties; but our duty would only be prohibitive because the Germans had already taxed the trade very highly, and it would cease to be prohibitive whenever the German duty on imported cloth was reduced. Commercial treaties might perhaps be the best mode

of regulating the duties to be imposed by each of the countries concerned on the trades carried on between their merchants; but I fear that as long as our duties on imports remain at the present low figure we shall find it difficult to negotiate a commercial treaty with one country, except on terms which will prevent us from entering into a similar treaty with another. Our duties on French productions, for instance, are as a rule so low that the French Government is not likely to offer us any great privileges in order to obtain a further reduction of them; but France might be willing to make considerable concessions if we agreed to admit French wines to our ports on such terms as to give them a decided preference over Spanish wines, and thereby to preclude us from entering into a fair and reasonable commercial treaty with Spain. Treaties of this differential character seem to me to be objectionable. By raising our duties on imports we would make other countries more willing to enter into really fair treaties with us, and would likewise render ourselves to a great extent independent of such treaties. But I have already occupied so much time, that I cannot pursue this question of commercial treaties further. I will only say, in conclusion, that I see no reason why our import duties should not bring in forty millions a year to our national revenue instead of the twenty millions which they now produce.

A further Paper on the same subject, of which the following is an abstract, was also read by Mr. GEORGE BADEN-POWELL, M.A. This Paper deals with some principles only, and is intended to be not exhaustive but suggestive.

(*a*) In all commercial policy we should pay strict regard to four general principles: 1. The promotion of our own prosperity; 2. The promotion of the prosperity of other nations; 3. The removal of all restrictions on, or obstacles to, the free course of commerce and industry; 4. Special care that the collection of revenue neither hampers, nor is hampered by, commercial or industrial requirements.

(*b*) To apply such principles to tariffs.—A low tariff conforms to all four. A low tariff is best for the prosperity of all; interferes least with trade, and yields more revenue than a high tariff.

We keep our tariff low. The question remains as to influencing other nations to do likewise. Retaliatory duties are acts of war. We have no experience to tell that they are ever successful. The temporary loss they involve may exceed

the profits of their eventual success. If England puts on such duties it will be accepted by some nations as proof of giving up low tariffs. Such action will confirm some nations to retain high tariffs. The more obstinate will suffer rather than give in. England will suffer all the time. Better plan to keep our tariff low.

(*c*) In regard to bounties, we must first look to facts, and see whether bounties damage most the community which gives them or others. The instance of the sugar bounties shows us that our growers and refiners are far more prosperous than the growers and refiners in bounty-giving countries, and our people get their sugar free of duty. The instance of the shipping bounties shows us France attempting to rival England in industries for which England does, and France does not, possess great natural superiorities. This must work great ill for France. Meanwhile we may suffer temporarily. Have we any remedy? If we put on countervailing bounties we simply, by so much, lessen our natural superiority. We must retain and increase all the facilities we have. Keep our tariff low; promote trade, especially with our colonies; promote skill in our workpeople; promote the efficiency and comforts of our mercantile marine.

(*d*) In regard to commercial treaties, they are contracts based on a state of warfare. Any treaty that binds the contracting parties to any special duties or tariff is an economic mistake. The French Treaty ties our hands. The best policy is to make no such treaties. (It is objected that a one-sided low tariff destroys our powers of production. But as a matter of fact, the countries that export most—that penetrate most into foreign markets—are those that have low tariffs. They also have the busiest home markets.) What we need in England is to be left free to regulate our financial policy as we will. The 'most favoured nation clause' should be the only clause in any treaty.

(*e*) Thus, applying the four principles with which we started, we have, in England, simply to keep our own tariff low; leave bounties to work out their own destruction; and, if we make commercial treaties, to be sure to leave our own hands free. So shall we do our duty to ourselves as well as our duty to other nations.

DISCUSSION.

Professor BONAMY PRICE (Oxford) said he had not been present at the beginning of Professor Shaw's admirable Paper, which seemed to

have hit the right nail on the head. A great mistake was generally made in the treatment of Free Trade both by its advocates and opponents. It was usually mixed up with reciprocity, but Free Trade was either sound or false, without any reference to reciprocity, which came afterwards. He understood by the expression Free Trade, unrestricted liberty to purchase any goods anywhere, without asking the question where they were made. Free Trade treated all goods alike. If no duty was imposed upon them when manufactured at home, then no duty was to be laid on those produced abroad. If on the contrary, as in the case of spirits, a tax was charged on them for revenue purposes at home, then an equal duty could be demanded on the importation of foreign spirits without any violation of Free Trade. Free Trade, in the sense given to it by Adam Smith, had no reference whatever to taxation or duties levied by the Custom House; it spoke only of the same identical treatment for the same goods in respect of taxation whether made at home or abroad. Free Trade rested on two great principles, which gave it a foundation which could not be shaken. In the first place, it did, and could do no harm to the country which practised it. The reproach generally cast at it was that the foreigner would not buy in return for what was bought of him. This was a thorough mistake; none could be greater. It is absolutely impossible to buy without also selling to the like amount. All trade is an exchange of goods; it is nothing more. Hence all buying is made with goods, and with goods only. To this the answer is given that England can buy with money, and money is not an article manufactured in England. Free Trade replies that England can buy abroad very little with money. She would empty herself very quickly of all her gold and silver, and trade with the foreigner would be entirely stopped. She does not grow gold in her fields; if, therefore, a large trade is carried on with foreign countries, payment can be made only with English goods. If a particular foreign nation will take nothing of England but gold or silver, yet the international trade continues, then clearly England continues to buy in some other quarter gold to send over, and that gold is necessarily bought with her manufactures. She has nothing else to buy with. Such is the indisputable fact. England is buying abroad; therefore, undeniably she is selling to the same amount. The conclusion thus becomes irresistible, there is no harm in Free Trade, not a particle of commercial injury does it create. Secondly, there is great gain won by Free Trade. Of goods wanted, and which will be had, whether made at home or abroad, Free Trade enables the purchaser to procure the best and the cheapest. If he pays less for them abroad, then he acquires them at less cost; and whilst he obtains the same articles there is a gain of buying power left at his command, wherewith to procure more wealth at no additional expense, than what he would have incurred had he made his purchase in the same country. By buying ribbons from France instead of from Coventry, the buyer gets ribbons of at least equal value, and retains the means of employing more labour and capital at home, over and above the ribbons he has put English industry at no increased cost for work to create additional wealth. The nation is the richer by this exercise of Free Trade. But

then, people exclaim, what is to become of the ribbon makers of Coventry? Is not this the same question as what is to become of the owners of coaches, and broad-wheeled waggons, and post-chaises, when railways shall have cleared them away? Must railways not be made because ruin would befall those industrious and meritorious men? It must be admitted fully that the transitional state is painful and deserving of sympathy; but will any one maintain that the dealers in coaches and waggons must be supported by what really in its nature is a poor rate, raised at the expense of the whole nation? Must such a rate be imposed to provide a respectable support for the workmen of Coventry? It is obvious that more other goods must be made, if ribbons are no longer made in Coventry but in France, in order to pay for the French ribbons; the saving on the purchase of the French ribbons will supply the capital, and by it labour will be supported; that saving is a clear gain, at no cost to England, and so will maintain additional industry; the men of Coventry are sure, sooner or later, as the workers of coaches and waggons, to be employed by that gain. With regard to what was called retaliation, it was possible that it might be on special occasions a justifiable policy. Free Trade is always right, Protection always wrong; but if a foreign country assailed English trade with war, not by tariffs created to protect our actually existing native industry, but to invade our English trade by bounties, such as those given for building ships with the aid of the public money, then it is conceivable that such an assault might be met with retaliatory tariffs. But this is a matter which belongs exclusively to the statesman; it lies entirely outside of political economy. Political economy asserts that war is always a destruction of wealth, and violates its teaching. But political economy is concerned with wealth only; other matters belong to the statesman.

Mr. Edward J. Watherston (Hon. Secretary of the Department) congratulated Professor Shaw upon his excellent Paper, with which he agreed from beginning to end, and especially with the remark that we were about to engage in a new fight for Free Trade. He was not sorry that this battle was about to be fought over again, as the only scratch Free Trade could receive in the coming fight in the House of Commons must be in the division from those men whose purses were in an inverse ratio to their knowledge of economic truth and the effect of its application. A new generation had sprung up, who had no idea of the misery of their forefathers under a system of Protection. The present was a time of considerable reading, but also of superficial reading, and they found themselves confronted with men whose ideas of national progress and prosperity were measured by the extent to which they could possess themselves of a superabundance of luxuries. They did not refer to the necessaries of life, because the world was better housed and clothed, and fed, than at any period of its history. The more they pressed figures upon the rising generation, the better for the argument in favour of Free Trade. The reason why the young and thoughtless of all ages considered Free Trade as a mistake in this country, was based on the fact that our imports were much larger than our exports. They said, with some truth, that our exports were only 286½ millions

while our imports amounted to 411¼ millions, and that the difference meant national ruin. If they looked a little further they would find that whereas in 1854 our imports amounted to 152⅓ millions, they had risen in 1880 to the large sum of 411¼ millions, while the exports, which in 1854 had been 115¾ millions, now amounted to 286½ millions. The total trade with foreigners had risen in the same period from 268¼ millions to the enormous sum of 697⅔ millions. During the last eleven years we had 1,000 millions more of imports than of exports, and during the last twenty-seven years 1,742¾ millions more. The fair trade people say this is leading to national ruin; but we must come to ruin upon some sort of principle. In the first instance one would suppose we were being drained of all our gold, but we find that, on the contrary, we have increased our stock of bullion during the last few years by 35¾ millions. Then how had the balance being paid for? It must have been in goods. We own 56 per cent. of all the shipping in the world, carrying 70 per cent. of all the goods. That brings in at least 50 millions sterling, besides insurance, merchants' profits, and interests on foreign loans, roughly estimated about 55 millions. This would give from 125 to 130 millions, which were omitted from what he called the ordinary Board of Trade returns. If the country were going to ruin they would find the population decreasing, emigration in advance of immigration, and the people crowding the workhouses. In 1870 there were 1,279,499 paupers in-door and out-door, while in 1880 they only amounted to 1,011,389. If the nation were going to ruin crime would be certain to increase, for wherever a people were unhappy and miserable for the want of means, crime invariably followed. But they would find that whereas in 1870 there were 19,401 convictions, in 1880 these had diminished to 15,643, although in the ten years the population had increased by 3¼ millions. Another important factor was the matter of thrift, for whereas in 1841 there were about 24½ millions in the savings' banks, in 1871 there were [illegible] millions, and last year nearly 78 millions. The national debt in 1870 was 798 millions, and in 1881 it amounted to 761 millions. The figures of bankruptcy showed that every year they were decreasing in number and bulk. What he had to say was that people who argued in favour of a return to Protection did not know what had been done during the last thirty years, and if they were thoroughly to grasp the subject, they would find they had not a leg to stand upon. The technical schools of France and Germany were a standing disgrace to our country, as really protecting foreigners against ourselves. In attempting to deal with tariffs and commercial treaties, we should endeavour to make ourselves as free as possible, and so teach other nations to follow our example.

Mr. Hastings, M.P., said it would be easy to settle the ghost of Protection, which had come upon them, and it was their duty to lay that ghost as speedily as possible. It was, however, difficult to deal with the question within the limits allowed in the section. The arguments of the fair traders bristled with fallacies. One, which had been stated again and again on public platforms, was that Free Trade had caused the late depression in this country. There was one fact which in itself

should be a sufficient refutation of that statement. The advocates of fair trade said that because foreign nations had levied high duties on British products, we in England had lost our export trade, and were therefore suffering from depression. In recent years no branch of trade had suffered more than that in coal. It was curious that coal is the only article on which no foreign country levies a duty. Continental countries were only too glad to get our coal; and we had been exporting it at an increasing rate for a long period until lately. If the argument of the advocates of fair trade was sound, then the coal trade ought to have been in a prosperous condition during the last few years, but the contrary is the case. Another fallacy is involved in the manner the returns of the Board of Trade were dealt with. It is overlooked that the Board of Trade necessarily look at the values of exports, their values on leaving the English market, while the value assigned to imports were their values when they reached this market; those values being the prices at which they were sold to cover the cost of transit as well as that of production; whereas the values of exports merely covered the cost of production. In order to get a fair estimate of the balance of trade, we ought to estimate the values of the exports at their ports of destination. Another fallacy is involved in comparing one period with another by values only. If in one year we exported a million tons of finished iron at 12*l.* a ton, this would go down as 12,000,000*l.*, but if in another year we exported a million tons at 7*l.* a ton this would go down as 7,000,000*l.*, and some people would exclaim that trade was falling off, although in reality there would have been no falling off at all. This explanation applied to many branches of trade. In the cotton trade, for instance, although there was a large diminution in the value of the goods exported, there was a large increase in the quantity. It was instructive to look at the condition of the countries that had adopted high and protective duties. Under evil counsels Germany had largely raised her protective duties; and was she flourishing, was her trade increasing, were her people as prosperous and contented as they could desire to be? On the contrary, we heard of Germans flying to America and to our colonies to escape from the consequences of Protection. Had Germany put France or England out of any neutral market? The United States had a high tariff, and had lost enormously by it. They could not make enough iron for their own use, and when any great demand arose for rails, they were compelled to import them from England, paying for them double what they would have to pay under free trade. The present was a most unfortunate time to have raised the cry of fair trade, because depression was passing away and trade was reviving. Iron had gone up 10*s.* a ton, and coal had also risen. He was not at all afraid of this cry for reciprocity. Far better than any arguments which could be adduced would be the sunshine of the prosperity that was now dawning, and the ghost of Protection, which had been gibbering for awhile in the darkness of depression, would vanish in the full light of that sunshine.

Mr. Joseph T. Pim (Dublin) said that the great objection made to the present state of affairs was that the trade between this and other countries was what was called an unfair state of trade, but the people

who made use of this term did not seem to realize what this meant. There was this extraordinary fallacy running through people's minds that they were doing great injury to themselves in buying goods, and great benefit to themselves in selling. But who were the buyers? Why, the whole nation. There was no doubt we suffered disadvantage because foreign nations put duties on the goods we made, but how were we to make them take off these duties? It was proposed that we should enter into a war of tariffs, but the experiment was so doubtful that no prudent person would think of trying it. As regards the French Treaty, it would be better not to attempt to renew it, but to content ourselves with an engagement on the part of France that she would put us on as good terms as the most favoured nation. When the French Treaty was made, many economists in the United Kingdom were unfavourably disposed towards it; but at that time we had some duties to give up, and that must be some reason for entering into it. If we went into the treaty now, we should be putting our endorsement on the French duties, and it would therefore be better not to make a treaty with France. The protection of the woollen industry in the United States had been carried to such an extent that foreign competition hardly affected it, and the competition within the United States had become so great as to leave little or no profit to the manufacturers in many cases. The wool grower in the States said he also ought to be protected, so an import duty had been placed upon raw wool, the manufacturer being thus crippled in buying his supplies. He believed that the protective duties charged on imported articles by foreign nations were in reality a Protection to us in dealing in neutral markets, and that until the United States adopted a Free Trade policy, they would never be able to compete with us as manufacturers outside their own borders.

Mr. W. F. Bailey (Dublin), referring to the question of reciprocity, said they had been told that it was a matter of hostility, and how could they retaliate on foreign nations? If England wished to retaliate on America, on what goods would duties be imposed? Why, upwards of 90 per cent. of the American produce brought to England was raw produce, and surely the most ardent advocates of fair trade would not think of placing retaliatory duties on this. If they were placed on food it would raise the price of necessaries for the whole population of England, and if placed on cotton it would tend to limit possibly the greatest industry at the present day. With respect to the excess of English imports over exports, it had been stated that England was annually losing 100 millions of money by this means. But when they considered the enormous amount of English capital invested abroad for which interest was paid, they could well understand why their imports so largely exceed all their exports. Besides this, the greater part of the carrying trade of the world was done by English ships. The results in Germany showed the advocates of Protection that it was ruining that country.

Dr. Neilson Hancock (Dublin) was surprised to find it stated in one of the papers that it was uncertain whether the reduction of a tax would cheapen the commodity, or an increase of the tax would

render it dearer. Some years ago Professor Senior showed that in all manufactured articles the reduction of a tax increased the consumption, and that if they lowered the price of any commodity a larger quantity would be sold. The Professor showed that the increase of the market was the greatest cause of reduction, that the reduction of taxation reduced the price of the commodity more than the amount of the tax, and that the increase in the amount of the tax raised the price of the commodity more than the amount of the tax. He was surprised to find an eminent Professor bringing forward proposals of this kind. He could state, on the authority of the Financial Reform Almanack, that in many parts of Ireland the collection of every 100*l.* of Customs dues cost 162*l.* He considered the tone of Mr. Baden-Powell's Paper was much higher than that of the Professor of Morals in the Dublin University, who contended that they should shift as much of the burden of taxation on their neighbours as they possibly could. It was said that luxuries should be taxed, but what right had a Government to dictate to the people of a free country as to how they should live? It was unwise to tax the Chinese, whom they had forced into commercial intercourse to the extent of four millions upon their tea. How could they teach these people Free Trade? The logical sequence of Free Trade was direct taxation, and they must sooner or later go to the whole length by abolishing the customs duties altogether.

Lieutenant-Colonel CHICHESTER (Roscommon) said that so far as he knew, Free Traders abominated all taxation, and considered it tolerable so far only as it was required for purposes of government, &c. In that feeling he entirely participated; but speaking in Ireland, he wished to consider the matter from an Irish point of view. What cotton was to Manchester the land was to Ireland: the main source of wealth, almost the only source of labour. That being so, it seemed as unwise as unjust to saddle the land exclusively with the care of the poor, the maintenance of roads, &c. He had heard much nonsense talked about rent—a gross rent is merely the value of the produce of the soil over and above what is required for the support of the tiller of the soil. In other words, it was the gross profit, derived from the manufacture of food, and the net rent was that proportion which the capitalist reserved for himself. In other manufactures, the same principle obtains, and the wages of the operatives were affected by circumstances analogous to those which increased or diminished the proportion of advantage allowed to the tenant. He could not see why a special tax should be put upon the food manufacturer and his operatives (the tenants), from which other manufacturers were free. It appeared to him that such a system was in direct violation of Free Trade principles; and was merely a protective duty, in favour of what is commonly called trade, to the detriment of the oldest and most important manufacture in the land. He considered that all friends of Ireland should use their best endeavours to get rid of a system so anomalous, so opposed to right principles, so especially injurious to this country.

Mr. W. H. DODD (Dublin) considered that Professor Monck's Paper had hardly received that attention it deserved. The Professor

showed clearly that there was only a difference of degree between a prohibitive duty and any duty at all, that there is no reason why the twenty millions raised from our duties should not be increased to forty, that the logical conclusion was that there ought to be no duty at all, and that the legitimate corollary of that was direct taxation. If we accepted the maxim which was the foundation of free trade, that every nation should produce that which it was best able to produce, it was as bad to interfere between trade and trade, as between nation and nation. Therefore he was glad to see Dr. Hancock supporting the doctrine that the legitimate consequence of free trade was direct taxation. If we were to increase duties because other nations granted bounties on goods which they exported to England, we should be doing an injustice in return for a gift. That was not in accordance with the Christian morality which said that he who took a coat should be allowed to take a cloak also. A policy of retaliation was quite out of the question. If foreign countries gave bounties, the only retaliation a free trader could advocate was the removal of duties, and by taking them off we should heap coals of fire on their heads.

Mr. Thomas Connolly (Dublin) said it was strange that they had been taking what was as essential to the welfare of England as light or air. We had a most industrious population, while our insular position gave us an advantage for trade and commerce over the rest of the world. Then, of what should we be afraid? It was said that trade was leaving our shores, and that the foreigners were beating us; but it was more to our shame if we allowed them to do so, when we had plenty of the best labourers in the world. Some people would close their doors, but the flood of commerce would permeate around them. His experience through life had led him to the conclusion that the doctrines enunciated by the great men of another day, and sustained by our great patriots, were as true at the present time as when they were first enunciated.

Mr. William Saunders (Streatham), remarked that he felt considerably disappointed at the non-appearance of any so-called fair trader. These gentlemen seemed to be very much disturbed in their minds by the fact that a great amount of prosperity exists in the United States, and they seem to suppose that this arose from their having protective duties. The case of the United States, however, was one of the most striking facts that could be presented in favour of Free Trade. The people there enjoyed a greater amount of Free Trade than any other community in the world. The constitution of that country laid it down that there should be no duties between one state and another. The result is that, in a territory thirty-three times as large as the United Kingdom, there is absolutely Free Trade, and on this their prosperity is largely founded. They had, however, maintained protective duties against foreign nations, for the supposed benefit of their manufacturers, and circumstances enabled us to trace the effect of these duties. The world is open to the Americans exactly as it was to this country, but while we export annually 210 millions of manufactured articles, their exports of manufactured goods are less than ten millions. With regard to the shipping trade, the Americans had

great natural advantages in reference to the building of ships, but they only carried one-fourth of the cargoes which went in and out of their own ports. The idea of protection in the United States was founded on sentiment rather than on fact, and the difficulties we had in dealing with the United States arose from the sins of our forefathers, who endeavoured to crush manufactures in our colonies as they had done in Ireland, and the Americans looked upon their freedom to manufacture as a badge of their independence. The United States had a great advantage over us in the freedom of their agriculture. In every country agriculture must be the greatest of industries, and in that country farming was in such a condition as could not be found in any other part of the world, as the land had been distributed amongst the people who cultivated it upon a system of family agriculture.

Mr. WILLIAM BOTLY (London), remarked that he hoped Mr. Powell's paper would have a general circulation, as well as the first paper. Mr. Watherston had alluded to the incomes arising from our shipping trade, and he would also call attention to the enormous amount invested by this country in our colonial empire. These were not included in the Board of Trade returns, and it would be well if they could have more correct returns of incomes derived from our investments in the colonies.

Professor SHAW, in replying, said the discussion had all been on one side. There had been no representative of fair trade present, except Professor Monck, whose paper, he was sorry to say, had not received the attention it deserved. Professor Monck had put the fair trade side of the question with considerable ingenuity. It was wrong to say that American agriculture was not taxed, as every American agriculturist paid a tax on the iron which formed his spade and plough. Professor Monck, amongst other fallacies, said that if a tax had to be paid it might as well be paid on commodities as in income-tax, but a tax laid on commodities took more out of the pocket of the consumer than it brought into the pocket of the state, whereas the great advantage of direct taxation was, that all the money paid by the tax-payer, *minus* the cost of collection, came to the state. If 10 per cent. were paid on a commodity coming from France, the consumers had to pay this 10 per cent. on all commodities of the same sort made in England, though the commodities made in England paid no tax to the state.

Professor MONCK, in reply, said that a good deal of what had been said against his Paper turned on misapprehension as to its contents. He had not stated that we could not be sure that increased taxation would raise the price of the taxed commodities, but that we could not be sure that no increase in our import duties would produce this effect. He had rested that assertion on the special ground that the price of imports depended on the duties imposed at both ends, whereas we had the power of controlling it at one end only. When he spoke of equalising the burdens imposed on home and foreign-produced commodities, he was speaking of taxation only, and had never dreamt of leveling natural advantages and disadvantages by a differential system of duties. Into the question of international morality he need not enter; but he

believed that if we doubled the proceeds of our import duties we should still be contributing our fair proportion to the general taxation of the world. Mr. J. S. Mill had written that 'a country cannot be expected to renounce the power of taxing foreigners unless foreigners will in turn practice towards itself the same forbearance. The only mode in which a country can save itself from being a loser by the revenue duties imposed by other countries on its commodities is to impose corresponding revenue duties on theirs.' Not that he maintained, as some seemed to imagine, that when a trade was taxed by foreigners, and not by us, we could only carry on that trade at a loss. Our merchants would never carry on a trade that did not yield a profit; but what he maintained was that the profit on our side was less than it ought to be, while on that of the foreigner it was greater. This comparative loss was the only loss of which he had spoken. And when he spoke of the present system of one-sided free trade as leading to abnormal profits on the other side, he did not refer exclusively to the profits of the foreign producer or consumer. In estimating the profit which the foreigners derived from the trade, the revenue derived from taxes imposed on it formed a material item; and when this was added to the profits of the producer, the foreigner, as he contended, often realized an abnormal profit. Several speakers had advocated the abolition of duties on imports, and the substitution of direct taxation. The abolition of duties on imports would involve that of excise duties also, and if we endeavoured to replace both the customs and the excise by direct taxes, these would be of a very oppressive character. In fact, if he could bring free traders generally to this issue, he would be satisfied. Though he might be in a minority there, if the country was appealed to as to whether direct taxation should be exclusively adopted, he believed that the verdict would be in his favour. Many of the speakers had lost sight of the necessity of raising an enormous sum annually to meet the national expenditure. They seemed to think that by lowering the duties we cheapened imported commodities without any counteracting disadvantage, but even if we were certain of cheapening them (which he contended we were not), there was still the disadvantage that the same sum must be raised by some other kind of taxation. Thus we had been told that a trade free at one end was more advantageous than one taxed at both ends; and that if we could not obtain the double advantage of a trade free at both ends, we could at all events secure the advantage of a trade free at one end. Undoubtedly we could; but only by raising the same amount of taxation in some other way. The practical question was, what was the most advantageous way of raising a given amount of taxation? He had heard nothing to convince him that a large proportion of the total taxation might not be advantageously raised by duties on imports. One more argument he must refer to. They had been told that no matter what amount of goods we bought from foreigners, and what tariffs these foreigners imposed on our manufactures, they must take enough of our goods to pay for what we got from them. He would prefer to say that we must give them a sufficient amount of goods to pay for what we purchased. But passing over verbal questions, was

it of no consequence what kind of goods the foreigners took, and at what price? Foreigners, no doubt, made us pay for what we got from them, and we generally paid in goods; but it did not follow that we were not paying more than we ought to pay. As to Mr. Hastings's instance of the coal trade, the explanation was easy. Coal was used in almost every branch of manufacture, especially in the iron trade, and when our manufactures generally were in a depressed condition, the coal trade shared in that depression. He had not studied minute accuracy of expression in his Paper, but he thought the context would generally prevent the reader mistaking his meaning.

Mr. BADEN-POWELL expressed his surprise that no fair trader had come forward to provide them with any definite idea of the arguments of that section. He could only suppose they had not yet made up their minds as to their own meaning, or brought their ideas to any definite focus. This would not tend to win for their arguments that public estimation of which they were in such great need.

The PRESIDENT (Mr. Goldwin Smith) could not help specially thanking Professor Monck for having brought forward his views on the question of fair trade. He could not help thinking that when it came to practical legislation that gentleman's position would be rather stronger than it now appeared to be. The debate had been almost entirely one way, and the outcome of it seemed to be that the Section had affirmed the absolute truth of the principle of free trade, and the falsehood of the doctrine that the benefit of free trade could not be realized without the practice of reciprocity.

SPECIAL INDUSTRIES IN IRELAND.

What Industries could be advantageously introduced into, or developed in, Ireland, which from Natural Causes are specially suitable to the Country? By the Rev. JOSEPH CHAMNEY, M.A., Ex-Junior Moderator, T. C. D., Rector of Dromiskin, and Rural Dean of Atherdee.

THE present circumstances of Ireland, both in her financial and her social condition, impart great importance to the inquiry proposed by the Congress into the prospects of any industry which could now be advantageously introduced, and which, from natural causes, would probably be successful. The terms of the inquiry, as well as the source from which it comes, are among the many hopeful tokens which have lately been observed, that the wants of the country are attracting an amount of practical attention which never existed before, and that the character of the Irish peasant is not misunderstood so much as it used to be. If, some forty years ago, any enterprise had been proposed which should depend for success on

the 'industry' of Ireland, it would at once have been set down as the visionary scheme of one who was utterly unacquainted with the habits or character of the population. In these times the word Irishman was almost considered to be a synonym for laziness, indolence, and improvidence. In fact, the words Ireland and industry would be considered to have little more connection with each other than the words poverty and intelligence.

But during this period of forty years, the success which has marked the career of Irishmen who went abroad, and the development of her resources under Irish hands and Irish management at home, have shown pretty clearly that if there has not been a still larger development of her resources than we have experienced, it is not so much because of laziness or indolence in the population, but because there were not suitable opportunities or encouragement to awaken their latent feelings of industry into action. It is true that many have been, and some still are, idle, but if it is so, it is, as was long ago, because no man hath hired them.

The inquiry then assumes the fact of a great change in public opinion; and, indeed, it involves another, namely, that if the proper industry were ascertained means would be found to give it a fair start or trial.

For the extensive development or prosperity of any industry there are two things indispensable. First, there must be capital to start it; and then there must be intelligence to work it. How far capital would be available is more a question for political economists than for a Social Science Congress, but in regard of intelligence, we may fairly say that the enormous educational advantages which the State has lately conferred on Ireland, in the establishment of the national system of education, in the provision made for intermediate education, in the Queen's Colleges, and in the national University, in addition to the endowed schools, Trinity College, Dublin, with numerous denominational colleges, every opportunity is afforded in Ireland for the development and cultivation of an intelligence equal to that of any other country in the world. All that is needed is that this intelligence may have full, free, and fair scope and opportunity for its due exercise, and be brought to bear on some article of native growth or produce which will not only afford remuneration to the manufacturer, but employment of such an extensive character as will be felt through the length and breadth of all the land.

The present leading and successful industries of Ireland are those which deal with native produce. They are linen,

porter, and whisky. The linen absorbs nearly all the flax that is grown, porter and whisky all the barley, and we may say much of the oats. Considerable fortunes have been realised in each of these; and, except that there is some depression in the linen trade, all these are now in a state of very high prosperity; but it is questionable whether the porter and whisky trades would admit of much further development, and, even if they did, the manufactures never could give extensive employment, while the condition of the linen trade for many years is such that an extension of it beyond its present limits is scarcely to be expected. There are other industries in which the country once excelled, but from exhaustion of the raw material, or from a change of taste in the consumers, they have gradually become extinct, or nearly so. Besides, with one exception, none of these afforded employment for the people on an extensive scale.

Within the last seventy years several attempts have been made to introduce the manufacture of cotton, but, except in two instances, they met with little success, probably because the country was not able to compete with the enormous capital and trained skill of the English manufacturer. But, even if it were successful, the manufacture of cotton goods would have this drawback, that it would not deal with native produce, and, therefore, one stage at least in its conversion into a manufactured article would be lost to the industry of the country.

There is yet another industry dealing with native produce which once afforded extensive and remunerative employment, but which, from causes which I do not feel myself at liberty to investigate, had sunk a few years ago into a condition of depression which almost amounted to extinction. Within the last few years, and indeed at this very moment, there are indications of revival which afford strong encouragement to hope that if only a fair and judicious stimulus were applied, it would again become a matter of national importance. No manufacture in Ireland ever gave such varied and extensive employment as that of wool. It appears from returns made in the year 1800 that there were at that time ninety-one master manufacturers of woollen goods in the city of Dublin, employing 4,938 hands. In the wool-combing business there were thirty masters, employing 230 hands. At the same time there were in the city of Dublin thirteen carpet manufacturers, employing 720 hands. There were 900 persons employed in the ratteen and fringe manufacture in the town of Roscrea alone. In the city of Kilkenny there were fifty-six blanket manufacturers, employing 3,000 hands, and in the county of Wick-

low alone there were 1,000 looms employed in the manufacture of blankets.

In the last few years there has been a revival of the woollen manufacture, which, considering the great depression that has fallen on almost every other industry, is very remarkable. Scattered over the entire country, from the north to the south, from the east to the west, mills have been erected or restored, some for the manufacture of cloth, others for tweeds, others for flannels, and others for the eminently national fabric of Irish frieze. It is true that most of these mills are comparatively small, but if they are, let us remember that they are but in their infancy; and it is well understood that, small as they are, they are paying concerns, and that each mill that is opened is a nucleus capable of enlargement, and under favourable circumstances and due encouragement may in the course of time become a centre of industry and an element of prosperity to the entire surrounding district. And from one point of view these small mills are full of encouragement. I have adverted to the absolute necessity that there is for capital in order to carry on manufacture in an efficient manner. Now the success of these small mills is calculated to teach us that even if capital be not abundant in Ireland—and, it is to be feared, it is not—still here we have an industry which can be started on moderate resources, and which is of such a nature that even in a small way it can admit of a very extensive cultivation. The peculiar advantage of woollen manufacture to this country, and its suitability to her present circumstances, consists in this, that, first of all, not only is the raw material a native production, but extensively so. From the Giant's Causeway to Cape Clear, from Connemara to the Hill of Howth, sheep are grazing; some on fertile pastures producing the finest wool, fit for broadcloth or our finest flannels; others on the sides of mountains producing those coarser qualities which begin in tweeds and terminate in frieze. But no matter what the quality of the wool may be, it need never leave the country from the time it is taken off the back of a sheep or lamb till it is transferred in a manufactured condition to the back of an Irishman. In all the various stages—of growth, shearing, washing, combing, carding, spinning, weaving, tailoring—it can be manipulated in the country, and every shilling expended on its manufacture would go to the benefit of Ireland. Nor do the advantages of the manufacture of wool cease even here. Ireland is essentially a grazing country, and produces sheep to a large extent. In the agricultural returns for the year 1880 the number of sheep is set down as 3,561,361. This exhibits considerable

decrease from the return of the previous year, which was 4,017,903, being a decrease of 456,541 on the year; and if we carry the comparison back to the year 1873, we have 4,484,520, against 3,561,361, being a decrease in seven years of 923,159; but, heavy as this decrease is, the number still remaining is a very considerable one. The return of wool from three millions and a half of sheep, if retained in the country, would serve to keep a good many mills going and a good many hands busy, and if the demand for Irish woollen goods should ever come in excess of the supply, if these three million and a half of sheep would not produce sufficient wool to keep the mills at work, one effect of it would be an increase in the number of sheep by the encouragement given for the production of wool. Our new landed proprietors would take advantage of a home market prepared for them. The tide would turn, and the number of sheep which have left our pastures would speedily be replaced.

It is well known that the present condition of the trade is exactly the reverse of this. The great bulk of the wool crop of Ireland crosses the channel for the use of the English manufacturer, and returns to the country again, to its native land, in the form of broadcloth, tweeds, flannels, and even frieze. It is computed that upwards of two-thirds of the wool manufactured in Leeds and other Yorkshire towns is of Irish growth. Mr. McMahon, an intelligent guardian of the North Dublin Poor Law Union, computes that out of a million per annum paid for flannel in Ireland, 900,000*l.* goes to England or to Scotland, and in the *Irish Times* of August 10 last it is asserted (and there seems to be no valid reason to doubt it) that this country pays about two millions a year for woollen goods imported here from England.

It would not be easy to determine with anything like exactness the loss which the industry of the country sustains by this system, but it is not hard to see that it must be enormous; large enough, in fact, to be a matter of national importance: for among the peculiar circumstances of the country which come within the scope of our inquiry, is the enormous decrease of the population from upwards of eight millions in 1847 to 5,159,839 in 1881. And this decrease, not occurring by fits or starts, but in almost a uniform declining ratio, year by year, till the year 1875. Since this time the population seems to have increased a little year by year. The increase, however, is very small, and in the year 1880 was not maintained, but, on the contrary, the number of the population stands at a lower figure than it ever did before. It is, of

course, due to a more extensive emigration caused by the late unfavourable harvests. What is needed is a means to check this emigration, this drain on the very *life* of the country, and the obvious and the only remedy for it seems to be such an industry as will afford sufficient employment for the people on terms which will operate as an inducement to those who are left to remain.

In proposing the cultivation of woollen manufactures, I do not at all mean that this is, even if successful, to prove an entire panacea for the financial depression which now rests on the industry of the country. Side by side with it other industries may arise and prosper, some of greater, others of less, dimensions; some too, like that of wool, exercised on native produce: but, however varied they may be in their nature, or limited in their operations, all combining to make the people of Ireland a prosperous and, because prosperous, a united and happy nation.

On the Same.

By Nicholas G. Richardson.

THAT new industries and the development of those we have are required in Ireland is too evident to require proof; but when we come to consider the ways and means by which such desirable objects could be accomplished, we are at once brought face to face with this difficulty, that a large number of industries in Great Britain are at present in a struggling condition and complaining of over-production. Competition, too, is so keen in all business matters, that it is only by the most careful attention to minute details, and by the most generous but at the same time most skilful expenditure of capital, that even experienced and well-established firms can hold their own in the race for wealth, ay, even in the struggle for existence. But because we are heavily handicapped, that is no reason why we should despair and throw up the sponge; and it is well therefore to review our resources, and see what we are doing and what we might do.

And first of all I shall refer to two of our principal industries, 'Distilling' and 'Brewing.' They seem to be quite capable of holding their own, giving a vast amount of employment; and as there is a large export trade, they bring a large amount of money into the country. We learn one lesson from these industries, and that is, that if we produce a really first-class article, we can have the world as our customers.

In 'Mineral wealth' we cannot hope to compete with Great Britain. In fact, the total value of the ores raised in Ireland is now a very trifling sum; and I believe I am correct in stating that ores are at present imported into Ireland by the owners of the Ballycorus Lead Works to keep their men and plant employed, the lead mines there being exhausted, or at all events not capable of supplying sufficient ore.

As our minerals are not very plentiful we cannot, of course, compete much with other countries more bountifully endowed with mineral wealth in the matter of 'Machinery;' yet it is a gratifying fact that some of the most delicate mechanism that can be produced has been made in Ireland, such as instruments required for magnetic observations and telescopes of the very highest class. It is almost needless to say I refer to Mr. Grubb, of Dublin, who has lately finished the great telescope for the Observatory at Vienna.

In our 'Quarries' we are more fortunate than in minerals, as marbles of excellent quality are found in many parts of Ireland, and made use of to a considerable extent.

Slates, too, are also found and worked on the south-west coast of Ireland and at Killaloe. Our building stones are also plentiful and of great excellence, such as our limestones, granites, &c.; but whether they are worked up as much as they might be is very doubtful, as the Dublin Corporation were, I am told, obliged to import Welsh setts for paving the streets.

Our clays, too, are very good, and suited to a variety of work. Belleek ware is well known now, and very superior firebrick is made near Carrick-on-Shannon, in the co. Leitrim. Ordinary bricks are made in various parts of Ireland where there may be a local demand, as at Belfast, &c. The bricks used in Dublin come from Tullamore, Athy, Clondalkin, and the fashionable red brick from England. A very good red brick is made near Kingscourt, Bray, and Kingstown; but the carriage is, I believe, very high. The bricks made in Ireland generally are not at all what they might be. A considerable quantity of stones is found in the clay, and till quite lately at all events these stones were picked out by hand: no machinery was used, nor any attempt made to turn out a well-finished brick. A very good brick is now being made close to Dublin; but not being of the fashionable red colour is not in use for the fronts of houses. The English brick, however, is very porous, and absorbs a considerable amount of moisture, while the yellow brick referred to above is not so porous, and is also more lasting. It may seem curious that the English brick-makers can successfully compete in Ireland, the carriage

amounting to about 15*s.* per thousand; but by making an increased quantity they can reduce the cost of making, so that even if no profit is made on the sales in Ireland they gain on the whole.

A new manufacture has been quite recently introduced into Ireland, and might be greatly increased, and that is the manufacture of 'Portland Cement.' It is as much a chemical operation as making iron. The raw materials are clay and limestone. The so-called London cement is made from soft limestone and soft clay. In Dublin the materials are the same as those used in Rugby, viz., hard limestone and indurated clay, containing a large proportion of lime. The essentials for a successful cement works are a sufficient supply of raw material and coke (coal has been tried but not successfully in England), and a local demand or cheap transit; so the works should be near water-carriage, or have a railway-siding into the works, and a cheap motive power such as water. The process consists in grinding and mixing the raw materials (which must contain the proper proportions of lime, silica, and alumina), so that they become intimately blended. The mixture is then burned at the proper temperature and again ground, when the best Portland cement may be calculated on. There is an idea that *real* Portland can only be made in the immediate neighbourhood of London; but there are Portland cement works in the Isle of Wight, Newcastle, Rugby, and other parts of England; while for the highest class work Portland cement is imported into London from Germany. And as the raw materials are to be had close to Dublin, where coke is as cheap as in London, the cost of preparation ought to be as cheap at least as in England.

I hope I have shown we have here the opportunity for establishing a new industry. At present from 10,000 to 15,000 tons of cement are imported per annum, and the use of this material is increasing. In fact, if the price could be reduced it would be almost able to compete with lime for mortar.

Lime sells at from 15*s.* to 20*s.* per ton; were lime to sell at 15*s.* cement should sell at 30*s.* to be on equal terms. The present price is about 45*s.* per ton, of which about 7*s.* 6*d.* is for carriage from England, which could be dispensed with, and though the cost would be greater than for lime mortar, the work done would be better and better suited for such a damp climate as ours.

The manufacture of 'Artificial Manures' is another industry that might be developed. We have several firms in

various parts of Ireland who turn out very good manures. One way in which this industry could be developed would be by teaching the farmers that excessive and constant doses of guano are most detrimental to the land.

I now turn to the textile industries, and first of all will refer to the 'Woollen Manufacture.'

Wool is of two distinct qualities, known respectively as long-stapled or lustre and short-stapled.

These countries produce the long-stapled wool almost altogether, and that tyrant fashion at present has declared that ladies shall wear fabrics made from short-stapled wools, hence while foreign wools sell fairly ours are hard to sell. But fashion may change and our wools may again be eagerly sought after.

Lady Bective and a large and influential committee of ladies are now seeking to bring about such a change. This change would of course benefit the farmer and grazier, but would it benefit our Irish manufactories? Alas, they are but few in number, and, saddest to say, the germs of what would have been a great and national industry were deliberately crushed out of existence by an English Parliament.

The evidence that this was so is unimpeachable. The English House of Lords and House of Commons petitioned William III. to discourage the woollen manufacture of Ireland, and proposed that in its stead the linen manufacture should be established. His reply was, 'I shall do all that in me lies to discourage the woollen manufacture in Ireland and encourage the linen manufacture there, and to promote the trade of England.' And the Irish Parliament actually passed an Act for laying prohibitory duties on the export of their own manufacture. While, to make assurance doubly sure, the English Parliament passed an Act which recites 'that great quantities of woollen goods were manufactured in Ireland and exported to foreign markets, heretofore supplied from England, all which inevitably tends to injure the value of lands and to ruin the trade and the woollen manufacture of the realm; and that for the prevention thereof, the export of wool and woollen manufactures from Ireland be prohibited under the forfeiture of goods and ships and a penalty of 500*l.* sterling for every such offence.'

No wonder if under such laws the woollen manufacture of Ireland should have sickened and almost died. No wonder if with this competition so ruthlessly kept down, the English trade should have grown and prospered; and statistics prove that so it was.

The United Kingdom imported over 418,000,000 pounds weight of wool in 1879, in addition to the wool grown in these islands on over 30,000,000 of sheep.

What the value of manufactured goods may have been we may fancy when the exports alone of woollen goods amounted to about 20,000,000*l.* sterling. And what share has Ireland in all that enormous manufacture? In 1868 there were only forty-seven woollen factories in Ireland, employing only 1,374 hands. Of these factories only two employed as many as 100 hands each.

Most effectually indeed did the fiat go forth that Ireland was not to manufacture woollen goods. True the shackles were at last struck off our attenuated and shrivelled limbs; but it seems hard to taunt us because we cannot keep pace with one of the wealthiest trades of one of the wealthiest countries in the world.

It is true we can grow and do grow as good wool as England. It is true labour is cheaper here than there. It is true that though coal is dearer we have an enormous water-power running to waste that could be utilised in its stead. But we come in competition with practically an unlimited capital, whereas ours is but scant. In England they have large factories, fitted up with the best machinery, and a number of skilled artisans who understand their trade. Here we have almost all these to create; and at present even in England prospects are very gloomy. In Bradford, the centre of the trade, a number of mills are idle. Many of those working are working for stock and not to orders, and it has been estimated that three years' supply of stock is lying there waiting for purchasers.

Yet something has been done. A few factories are struggling to create and extend this industry here, and with proper support no doubt they will not only hold their own, but increase and multiply.

Have they received such support in the past? It is rather startling to read in the daily papers that a poor-law union lately invited tenders for flannels and blankets of Irish manufacture. When the samples were examined they were found to be superior to those usually supplied, and it was stated the prices were all right.

How then account for it that the firms which supplied these samples did not always secure these contracts? Can it be that they did not try to sell their goods? or can it be that the middle men, who probably heretofore had a monopoly of these contracts, found that they received a larger

commission from English houses, and so Irish goods were put to one side? Whatever the cause, we may well swear—

> 'In faith 'twas strange, 'twas passing strange,
> 'Twas pitiful, 'twas wondrous pitiful.'
> We 'wished' we 'had not heard it.'

To show, however, what can be done, I give a few facts about Lord Waterford's woollen factory. It was started over thirty years ago by Louisa, Lady Waterford, to give employment to some of the poor women and girls in the neighbourhood.

Spinning wheels were got up, and a few ancient looms employed to make flannels and rough frieze. The enterprise succeeded, and more wheels and looms were put up, till at last the present Lord Waterford put up new machinery for carding, spinning, &c., and looms; these were found inadequate, and again Lord Waterford increased the machinery and put up steam to augment the limited water-power. The result was vast good to the people in the neighbourhood, some 80 to 100 hands being employed.

The great depression in everything for the last few years has been felt here as elsewhere, and the heavy foreign import duties seem to shut out any hopes of establishing a sale abroad.

If our woollen trade was crushed, our 'linen trade' rose on its ruins, and it is refreshing to turn at length to any industry that has thriven so well, and has caused such prosperity and contentment in so many counties of Ireland.

In 1864 the total linen goods manufactured in Ireland were estimated to be over 10,000,000*l.* sterling, and we have the total exports of the United Kingdom to be nearly 6,000,000*l.* sterling. In the beginning of 1881 there were 21,177 power looms and 879,835 spindles in Ireland. Let us compare these figures with those of other countries, and we shall see at once how the linen trade has thriven and prospered here.

Scotland (I must take now the figures for 1879; but as Ireland shows a decrease since 1879, this does not invalidate the results) had only 283,758 spindles and 16,756 looms; England and Wales 219,247 spindles, 4,081 looms. Thus Ireland in this trade easily exceeds the trade in Great Britain.

If we go to the Continent, France we find is far ahead of any other nation, yet has only 470,000 spindles, but 22,000 looms, the solitary instance in which Ireland is not first. In fact there are only a little over 3,000,000 spindles in Europe, so that Ireland has between one-third and one-fourth of the entire trade.

There are only 83,529 looms in Europe, so that Ireland has a little more than one-fourth of this trade also. The vast majority of these spindles and looms are of course in Ulster, and it is only necessary to go through it to see the vast benefits conferred on that province by the linen trade.

Yet all has not been done even in this trade that might have been done. The large sum of over 3,500,000*l.* sterling leaves the United Kingdom for flax. A very large proportion of this sum must come from Ireland; yet no sufficient, no sufficiently sustained efforts are made to extend its growth in the other provinces of Ireland.

It is a little curious to observe that Ireland has 157,534 acres in flax, of which 152,996 acres are grown in Ulster, leaving the other three provinces with only 4,538 acres, and yet Ulster can only grow 24·72 stones of flax per acre; while Connaught, Leinster, and Munster can grow respectively 27·90, 29·90, and 34·80. It is also a little curious to find that France has 162,099 acres in flax, and harvested 36,969 tons, or 36·49 stones per acre; while Ireland, with only about 4,500 acres less, has 12,000 tons less of flax, or exactly 24,508 tons, or 24·89 stones per acre.

Kindred industries are the 'Sewed Muslin trade,' 'Silk,' 'Poplin,' and 'Lace,' which collectively give a great amount of employment, but it is difficult to give any reliable statistics; but one thing is certain, that the work turned out is most creditable to the country.

Before leaving these industries, I would wish to refer to a 'Jute Factory,' which was started in Galway in 1867 on philanthropic principles, that is, to give employment to the poor women of the town. The year following Colonel O'Hara was induced to invest in it, and he soon undertook the management; and, though the difficulties at first were great, he succeeded in making it a business concern. The results are, employment is given to between 400 to 500 hands; a great number of these would, only for this factory, be thrown on the rates. It has proved that the Irish are as capable of producing good work in this trade as any, for some classes of the goods produced get a preference in the Scotch market, and the factory has held its own even in the years of severe depression in trade we are passing through.

I have referred specially to this mill and Lord Waterford's, because they prove conclusively that mills (when started by persons who, though they may have energy and capital, yet have not been brought up to trade) can succeed in this country.

But to succeed they must be able to turn out as good articles as mills in other countries, and to sell them as cheap; nor should they be satisfied with supplying their own market solely, and endeavouring to keep that market by getting goods from other countries, in fact, 'boycotted.'

This would be a great mistake; for this is simply to act on the defensive, and military critics, I believe, say offensive tactics are generally the more successful. No! we must be able to go into the markets of the world with our goods and hold our own with all comers. Nothing short of this is success.

Closely following the textile industries comes the 'Paper Trade,' which uses up all their waste products and the worn-out materials; resembling, in fact, the new furnaces which consume their own smoke, so that the paper-maker utilises what would otherwise become offensive rubbish.

Ireland uses a large amount of paper; yet her industry in this respect is a decreasing one. There is no reason why this should be so, as we have abundant water-power and plenty of pure water, and we are not so particular as our neighbours in keeping it pure; so our manufacturers would not be so irritated, or put to such heavy expense as manufacturers across the Channel to avoid river pollution.

The raw materials and chemicals could probably be got here on as reasonable terms as elsewhere. Nor are paper-makers confined to rags; various other fibre-producing substances are now used, notably the Esparto grass, which is imported in such large quantities.

It has lately been discovered that Ireland produces an indigenous grass which can be used for paper-making in pretty much the same way as Esparto. The grass is called the 'Purple Melic Grass,' or 'Molinia Cærulea,' and grows at present on bog edges that are partially drained. It is proposed, therefore, to partially drain the bogs and then sow or plant this grass; and as it is a perennial, no further expense except that of harvesting need be gone to.

The expense of working a bog could be reduced to a very trifling figure, as by making roads at wide intervals, the intermediate space could be worked by means of steam ploughs, &c.

Numerous experiments have been made, and others are in progress, to test the commercial value of the grass and how best to grow it as a paying crop.

It is hoped that here is the commencement of a new industry, as Ireland contains over 1,000,000 acres of deep-red bog, which are not now required for fuel nor likely to be to any appreciable extent at least for very many years, and

which are of no value at present, but on the contrary most injurious in their present undrained condition, as they tend to keep the atmosphere charged with moisture and to increase the rainfall. This is more conversant with agriculture; but good harvests depend on the weather, and we know that good harvests increase all industries; but independent of these general advantages, were this 1,000,000 acres, or a considerable portion of them, growing Melic grass, Ireland could supply her own requirements in paper and export a large amount as well. The bog would also supply the fuel for the manufacture of the paper, and in certain districts where the bog is near the sea almost every ingredient used in such manufacture could be obtained or made on the spot.

'Agriculture' is capable of enormous development; but though the greatest industry, even in the United Kingdom, and therefore, *à fortiori*, here, it is not usually classed as an industry, so I pass it by, merely remarking that it cannot be developed as it ought to be till a large amount of arterial drainage is effected, which in most cases cannot be carried out unless the State intervenes and pays a very considerable part of the expense.

Intimately connected with agriculture are the butter trade and the home timber trade. Both require development, and for both this country is specially suited. Much has been done for the former by Canon Bagot and his fellow-workers; but the latter seems in an utter state of stagnation, when hoops for barrels, hay-rakes, &c., and even firewood, are imported from the Continent and America, whilst we have thousands of acres only fit for growing timber, and which would pay well if planted.

The last industry I shall refer to is our fisheries.

Our 'Salmon Fisheries' are very valuable, as is proved by the fact that over 500,000*l.* sterling of salmon were sent to England alone; but by careful watching and strict preservation they could be made much more valuable.

The number of men and boys employed in our 'Deep Sea Fisheries' seem to have decreased to an alarming extent since the famine years; but I think this may be more seeming than real.

The population at that time was larger than now, and the farms smaller; and we can well believe that every farmer who lived near the sea employed his leisure time in fishing. It no doubt was a most useful auxiliary to his farming, but that it was in every case an industry as we now understand the word is very improbable.

The number of persons employed in the year 1845 was 93,073; in the last report of the Fishery Commissioners the number had fallen to 24,548 men and boys employed in the sea fisheries; but we may assume that the boats in most cases are more powerful, and capable of taking more fish than formerly.

It is, however, a very remarkable fact that a large number of boats come to Ireland from England, Scotland, Manx land, and France. In fact, there were 181 Irish boats employed in 1880 at the Kinsale Mackerel Fishery, 20 Scotch, 84 English, 272 Manx, and 160 French boats. Of these last, only a few, however, frequented Kinsale harbour.

The highest number of boats fishing on any one day is also given, and it appears that the Scotch, English, and Manx were only one boat short each, while the Irish total drops to 154.

The Isle of Man, with a population about 100 times less than Ireland, employs about 100 more boats at Kinsale Fishery.

The number of foreign boats that come to our coasts attest the wealth of our fisheries. Surely here is an industry that is capable of being developed largely for the benefit of our own population.

No doubt the want of sufficient capital is a principal reason why so few Irish boats are engaged in this lucrative harvest around their own coast, and it is very encouraging to read that the capital that has been given or lent to the poor fishermen has yielded a rich harvest, and must be most gratifying to the many subscribers to the various charitable committees started in 1879, and doubly so to those who started those committees, and were so untiring in their work; and without detracting from their credit generally, certainly most successful in this branch of their work. In one instance 200*l.* sterling worth of nets were supplied to the most deserving fishermen, and in one month 1,200*l.* sterling worth of mackerel were sold. This was divided amongst 50 men; and in another case a boat and gear, costing 12*l.* sterling, were given to a man, and in three nights he caught nearly 60*l.* worth sterling of herrings. Many other similar cases could be given; and more gratifying still, the instalments and interest on the money lent have been on the whole most honestly and faithfully repaid.

It is also most encouraging to read that during the dark, disastrous, agitated period through which we are passing, the conduct of these fishermen has been, with hardly an exception, uniformly good.

The Fishery reports are pleasant reading indeed, and I

trust that men who have shown that they can turn to such good account the slight assistance they have received, may receive larger assistance, so that the rich harvests all around our coasts may cease to be neglected, and that the Fishery Commissioners may no longer report that in various localities large shoals of fish have been seen, but from the poverty of the fishermen, and consequent inability to provide themselves with proper boats or nets, the shoals came and went undisturbed.

In some cases this has been so from the wretched harbour accommodation in the locality; while in other cases, where the accommodation is good and fish in abundance, the Commissioners report that foreign boats and foreign fishermen, supplied with the newest and best appliances, carry off the cream of our fisheries. For instance, there were only 792 Irish, but 893 other boats employed in the Herring Fishery; while, as mentioned before, in the Kinsale Mackerel Fishery there were only 181 Irish to 548 other boats. Of these 160 were French boats of the best class, and mostly using steam, who fished in our fisheries, but the majority of which did not use our ports.

In the foregoing remarks I have referred to only a few leading industries. There are of course numerous other industries I could have referred to, but they are industries that will undoubtedly spring up where non-existent now, or will be greatly developed where they do exist, if we can only succeed in increasing our trade and manufactures, in improving our agriculture and our fisheries.

Each of them may be small individually, but collectively they would give great employment, and retain a large amount of capital in the country: such are furniture making, jewellery, objects of art, every description of wearing apparel, and all the articles in domestic use. Because there is no doubt if we had more capital in the country, which I am afraid at present can only come from increased industries, it would soon scatter over the country in every direction, and give a stimulus wherever it permeated.

The movement now started to create and develop industries, it is to be hoped, will meet with the success it deserves. There is no doubt we are very ignorant of what we are doing, and more ignorant of what we could do if we only tried; and an Exhibition of Irish manufactures will teach us at least what we are producing, and spur us on to increased exertions.

The movement to increase the home consumption of home-made goods is a very useful one also, if not carried too far, because we must remember that even now we export a large amount of goods, and we should look forward to an increase

of exports. Then why raise a cry which might be turned against us?

We must also try and learn that the movement, to be successful, must be so on its own merits. We must produce as good articles as those imported, and at a reasonable price, otherwise our trade will be merely resting upon props which may at any time fail us, and leave us worse than ever, and we should resemble the war-broken soldier who sang:—

> 'But sorrow returned with the breaking of morn,
> And the voice in my dreaming ear melted away.'

We must also try and learn that this is a free country, and its inhabitants free to purchase what goods they please, and from whom they please. It is unfortunate that such a warning should be necessary, but recent events have shown that it is; and besides, Irishmen, like every other race of men on the face of the globe, like to buy in the cheapest market.

In the foregoing brief and incomplete review of our industries, there is much that is hopeful in some industries. We already excel not alone in the quantity produced, but in the quality of our goods.

In other industries we have much to learn, and no doubt great difficulties to overcome, because we have, probably through force of circumstances, not striven as hard as we might to pull against the stream.

Industry and capital are the wheels of the car of contentment and prosperity. Where one goes the other is bound to follow, and if we only put our shoulder to the wheel we have next us, which in our case is industry, we may with confidence expect that Hercules will set free the other; and we may then hope that contentment and prosperity may run free and unchecked through the length and breadth of our country.

DISCUSSION.

Mr. W. Leigh Bernard (Dublin) said that the thanks of the Section were due to the authors of the papers for the public spirit and patriotism displayed by them. As local secretary of the Economy and Trade Department, he had experienced the greatest difficulty in getting any gentleman to come forward and read a paper on this subject, notwithstanding the great interest felt in it by every one who had the welfare of the country at heart. The Rev. Mr. Chamney had properly put forward two things as needful for the success of industrial enterprise—capital and intelligence. There was a great want of capital to

be applied to industrial purposes, but all those who knew the Irish character would say that they did not lack intelligence. It was a deplorable fact that such a large quantity of Irish wool went to England, and that the owners of the Ballycorus works, as Mr. Richardson had pointed out, were obliged to import foreign ores to keep their hands at work. He could scarcely believe that Ireland had not plenty of ore within her own borders to keep these works going, and it was much to be regretted that there was such a lack of enterprise to stimulate capitalists to search for fresh fields of operation. The speaker then referred to the tape industry, which at the end of the last century and the beginning of the present had given employment to about 6,000 hands in Dublin. This industry he believed had been destroyed by the improved machinery in England, and the prejudice that existed amongst the working people in Ireland to the use of this machinery. Indeed it was a common thing when this industry was at its best for Dublin houses to receive good orders from American firms. Another manufacture which formerly flourished in Dublin during the last century was that of silver plate. The old Irish silver plate was celebrated all over the world, and this industry flourished as far back as the reign of Queen Anne. In fact, up to 1719, it was one of the principal manufactures in Dublin, but at that time it received a strong check in the shape of a tax put on silver plate by the legislature. This tax was found to have such an injurious effect on the country that it was repealed in 1758, but in order to raise the sinews of war in 1784, the tax on silver was again introduced. At that time it was fixed at 6*d.* an ounce, and was increased in 1798 to 9*d.*, and again in 1815 to 1*s.* 6*d.*, at which rate it stood at present. When they remembered that this tax only produced 48,000*l.* a year or thereabouts to the Government, he thought it would be sufficient to show that the tax ought to be repealed, with the view of reviving the manufacture of silver plate, not only in Ireland but throughout the length and breadth of the United Kingdom. Mr. Bernard then referred to the stocking-knitting industry in Donegal, and to the manufacture of Belleek pottery. The former he would like to see carried on in other mountainous countries in Ireland, and the latter he would recommend the visitors to inspect. In conclusion, he thought that if the labour of the youth of the country could be more utilized in those factories it would improve their knowledge, and introduce more industrious habits.

Mr. E. J. Watherston (Hon. Secretary of the Department) considered the papers they had heard read as a rich legacy of thought for the Irish people, and as calculated to do a great amount of good, if widely circulated. There were many reasons why Irish industries had languished; in the first place, there was in Ireland a want of that spirit of enterprise observable in other parts of Her Majesty's dominions; such apathy being attributable, in a great measure, to the bad legislation of past times. There could be no doubt that Ireland was suffering from the absence of good legislation, but the time, it was to be hoped, was now come when better laws might be expected from a more intelligent and better educated Parliament. Secondly, there was the manifest want of capital; the social condition of the people

prevented the investment even of Irish capital, and capitalists of other countries, notably England, where money-seeking investment was abundant, were naturally afraid to send their savings to a place where it might vanish, like 'butter before the sun.' Again, the ignorance of the people had to be considered. This was simply deplorable. He believed that state of ignorance could to a very great extent be removed by the intelligent use of the means at their disposal; namely, the establishment, as in England, of the system of free libraries in large towns, so as to give the people some chance of educating themselves, and also by the establishment of technical schools. One thing he would particularly like to refer to. He believed they possessed in Ireland one of the very worst systems of railway administration in the whole of Her Majesty's dominions. With a good railway system, he believed many industries which had been referred to must be developed—notably agriculture. There were also the deep-sea fisheries, of which a great deal more might be made. It was a well-known fact that in London they were 'groaning' for fish. There was plenty of fish in the sea which could be got out by Irish fishermen, but they were stopped by the enormously high railway rates and their unpunctuality. Referring again to agriculture; owing to the excessive railway charges, it was not uncommon, in Ireland, to see men carrying potatoes, and other heavy produce, by the side of railway trains, which were oftentimes comparatively empty.

Mr. Andrew Dunn (London) referred to past legislation and the lack of enterprise, which had been chiefly owing to the want of security of life and property in Ireland. Nothing would so much tend to the establishment of paying industrial enterprises as the people becoming convinced that their best and most material interests lay in the encouragement of such undertakings. Unless capitalists had security for their property it was of course vain to expect that they would flourish or extend. He referred to several industries, and mentioned the Queen's Institute in Dublin, which he had that day visited, and where he had seen a number of young ladies employed in painting upon china. The china-ware in the white was brought from Staffordshire, and was painted in colours in the most artistic manner, which was one instance of the intelligence and culture of the Irish people in this sort of delicate and expensive work. During the last twenty years upwards of 6,000 young ladies had passed through that institution. With regard to the deep-sea fisheries he was glad to have heard it stated that in cases where loans had been granted to the Irish fishermen they had been honestly repaid, and this he thought should encourage our statesmen to turn their attention more earnestly to that great enterprise. He had seen a report lately from the Fishery Inspector, to the effect that the coasts were swarming with immense quantities of excellent herrings, which the men had no proper means of catching. This state of things he thought shameful to all concerned; a pitiful waste of human food thrown to our doors by a merciful Providence. He hoped this congress would have the effect of rousing public attention to the importance of the question. It had been stated that the three great industries of Ireland were 'linen, porter, and whiskey.' He would suggest that if

those gentleman who have so large an amount of capital invested in the two latter would only turn some of it into other channels, it would be vastly better for the welfare of their country.

Mr. James Dillon, M. Inst. C.E. (Monkstown), remarked that he was largely engaged in engineering reclamation and arterial drainage works in Ireland, and he therefore knew something of the resources of the country. It was true that there were large quantities of valuable marbles throughout Ireland, but it unfortunately happened that at present there was no proper railway communication to enable the marble to be conveyed to the seaports at a reasonable cost for transport. It was true also that bricks of the highest quality could be manufactured in Ireland, but at present nearly all the good and fashionable red bricks used in Ireland are imported as Bridgewater bricks, at a great cost for carriage. Only a few months back he required a large quantity of good red bricks, but for want of proper railway communication with the brickfields in Ireland he had been compelled to purchase English red brick at a large extra cost. It was the same with cement. The quantity of cement used in Ireland would be greatly increased could they get a good quality guaranteed and manufactured in Ireland at a cheap rate, so as to avoid the cost of returning bad imported cement to the manufacturers. Reference had been made to the large amount of bogs to be drained; a more profitable investment would be the drainage of large tracts of good land requiring drainage, but owing to the unfortunate relationship existing between landlord and tenant it would be impossible to carry out any more drainage works in Ireland until the law was altered to suit the altered circumstances of the country. Formerly the landlords could borrow money for drainage and charge the tenants with interest on the same, but landlords are not now prepared to increase their liabilities or complicate matters with their tenants unless they get more assistance and co-operation than they have been getting heretofore from the tenants, and until the law is altered as regards drainage charges they will not be prepared to pledge their property for drainage purposes. Many difficult questions had yet to be solved connected with Irish fisheries; the west coast being rather a dangerous one, a better class of vessels would in the first instance be required, and this change could not be carried out until more suitable harbours were supplied, not the mere boat-quays or piers now attempted to be supplied, but harbours of sufficient dimensions to protect fishing boats and steamers of a size suitable for such a dangerous coast as the west coast of Ireland.

Mr. Thomas Connolly (Dublin) thought that Ireland with its resources and stalwart population should be as prosperous as any other country, if its resources were judiciously developed. It was idle to repine about the declining trade of the country; they should look things in the face, and do their utmost to bring about a revival. The object of the present papers seemed to be, to suggest that other industries should be added to supplement the wealth derived from the land. Where there is a will there is a way, and he believed there were sufficient natural resources in Ireland to utilize profitably. Ireland, as compared with the six New England States, the chief seat of manufactures in America, and with Canada, had abundant resources. He

referred to the manner in which water power was utilized in those countries, and the numerous small articles which were manufactured. He did not see why the genius of the Irish which had made them great leaders in war should not also make them leaders in manufactures and commerce. This would be the dawn of a new and prosperous era for Ireland, and from his intercourse with the English people he could affirm that none would more rejoice at such an event.

Mr. THOMAS DOWLING (Dublin) said he was afraid the Irish people had the tendency of looking too much to the past, instead of following those lines which would lead to a prosperous future. It had been said that the English Government had destroyed Irish trade, but he could not quite agree with that assertion, as a great deal of their trade had been destroyed when Ireland had the control of their own affairs. They did not, he believed, require English capital so much as had been said, and they could hardly look to England for everything, but must depend upon themselves. He believed that if they employed all their energies the necessary capital would be forthcoming in Ireland, and their goods would soon take a foremost place in the market. The manufacture of Irish whiskey had been a great success, but that was on accouut of the superior quality of the article, and the large capital invested in its production. There was also the peculiar fact that Messrs. Pim, of Dublin, found a more ready market for their manufacture in England than they did in Ireland; a fact which must impress Irishmen with the consciousness that if the manufactures of this country can be produced of a superior quality, and at fair competitive prices, not alone will the markets of England be opened to them, but the markets of the world. The value of coal as an agent in manufacturing industry was rapidly diminishing, and he believed the progress of scientific research would soon supply them with something which would take its place to a large extent. If this anticipation be realized, Ireland will gain an enormous impetus in the development of manufacturing industry.

Mr. JOHN MURPHY (Belfast), as a working man, bore testimony to the excellence of the papers they had heard that day. At the same time he could not entirely agree with some of the statements made by Mr. Richardson. If they did not produce the machinery themselves, they could at least manipulate it, and he need only refer to the delicate machinery used in connection with the manufacture of telescopes in Dublin, in confirmation of this statement. Although the workmen had many faults, a great deal of the languishment of Irish trade was due to the masters themselves. It had occurred to him when in England that there was not that purse-proud hatred of trade there which so generally prevailed in Ireland. *Employés* should not be ashamed of their trade, and they would do well to follow the example of the English in this respect.

Mr. E. C. BRAMLEY (Cambridge) asked how it was that Ireland had such abundant natural resources which she did not make use of? They had heard that day something of the reason why. Every Englishman who had read the history of Ireland must be painfully struck with the repressive agrarian legislation, and the choking commercial

restrictions that had obtained in the past; but he hoped that what had been said that day must have some effect upon the Irish people, and that they would 'let the dead past bury its dead.' Could they only get people to believe that there was a stability in the arrangements of the country, there would be no difficulty in obtaining a large influx of capital. At the same time he would enter his protest against the policy of going cap in hand to the English Parliament to ask for subsidies for the establishment of Irish industries, as nothing could have a more pauperising effect upon a people. What was required was that the people should be thrown upon their own resources. The principal point raised in the papers was that Ireland wanted capital, and the question was how and where that capital was to be procured? He did not think there could be much difficulty in securing the necessary capital, if they could get the people to become industrious and thrifty. There was plenty of capital throughout the country. Mr. Hoyle of Manchester, in a letter written to the *Times*, had computed the rent-roll of Ireland at only about twelve millions a year, and yet the poor, oppressed, and down-trodden people of Ireland spent actually fifteen millions a year upon liquor. Three millions more therefore were spent upon liquor than went into the exchequer of the landlords. That was an important fact, and was borne out to some extent by both Papers. The two great industries of Ireland were, without doubt, linen and whiskey, and it appeared as though the liquor interest was flourishing more than the linen. The attention of reformers should be turned to this, if they wished to promote Irish industries. They had the money in their own country, and only required to adopt as watchwords, co-operation, thrift, temperance, and industry, to make the people prosperous, pure, and great.

Sir Joseph N. M'Kenna, M.P., considered that the question of the revival of Irish industries should be discussed altogether apart from that of temperance. In his opinion there was no connection between the two, and if there were it must be a very distant one. Speaking from memory, he believed that in the consumption of alcohol Ireland was the most temperate of the three kingdoms. The agricultural rent-roll of Ireland was about sixteen millions, although the valuation under which the poor-law was assessed was nearer the figures quoted by the last speaker. In Ireland they consumed 3½ gallons per head, as against 5 gallons in Switzerland, and 7 gallons in England. The speaker then referred to the taxation of the three countries, but on being called to order said he would, if he had not been interrupted, have restored the question to its right equipoise. He contended it was hard to pronounce what manufacture in Ireland had had fair play, when they took into consideration that Ireland was so largely taxed. What they should chiefly aim at reviving were those industries which could be carried on in the homes of the people, and the development of such manufactures as had to do with the raw material used in Ireland. He must object to the question being made to turn on temperance or intemperance, as indeed the question of temperance was altogether in favour of Ireland.

MISCELLANEOUS.

A Paper was read by Mr. BAGHOT DE LA BERE on 'The Agriculture of a Nation in its relation to the Prosperity of its People,' dealing with the question of the laws which regulate the tenure of our land, and their effect on the cultivation and yield of the soil, and on the social, moral, and political condition of the people.

The line of reasoning followed is adverse to monopoly in land and the existence of large estate ownerships, and in favour of a more general subdivision into smaller holdings: the withdrawal of all artificial barriers, which have tended to the consolidation of the ownership and cultivation of the soil in the hands of a too limited portion of the community. Small farms as against large are recommended, as best calculated to obtain from our soil its full increase, as well as affording scope for the maximum increase of labour being employed upon it. Agriculture is treated as the most important industry which can occupy the attention of a nation; and in proportion to the number engaged in this industry will be the yield obtained, and material prosperity of the people. Allotment areas in the vicinity of towns are advocated, as an incentive to thrift and sobriety, and as a healthful and profitable occupation, tending (although in a small degree) to give our urban population some direct interest and stake in the soil.

Arable culture, the active tillage of the soil, is advocated as against pasturing—the former enabling the cultivator to largely increase the yield of the soil, as well as giving the largest possible employment of labour.

Moderate-sized holdings, fair rents, freedom of cultivation, the removal of undue taxation, easy transfer, security for capital invested in unexhausted improvements, are represented as the first essentials to agricultural prosperity, as, when such exist, monopoly in land becomes impossible. Agriculture under such conditions cannot but flourish, owners and tenants multiply, the soil be highly cultivated, and laboured by the maximum number of its population.

Mr. TITO PAGLIARDINI, in a Paper on 'Associative Farming,' observed that the grievances of Ireland are no longer political, but social, and that their true remedy was to be sought in a large increase in the produce of the land and the encouragement of her industries; but that neither the large farm system with uncertain tenure, prevalent in England,

nor the small plot system that seems prevalent in Ireland, nor even the small peasant-proprietorship of France, could develop the full resources of the land. He, therefore, proposed Associative Farms of between 5,000 and 6,000 acres, under the sole management of an agricultural committee composed of scientific and practical farmers and an agricultural chemist. The capital would consist: 1. Of *acre-shares* in exchange for the land, with a preferential dividend determined by its local value, *plus* a proportional share in the net annual profits; 2. Of shares representing the stock, machinery, implements, money, &c., brought by the farmers; 3. Of debentures issued to the public for what extra capital might be required for the first establishment expenses; these shares and debentures also participating proportionately in the net profit over and above their fixed interest. The directors and the managers of departments would likewise receive a share in these profits in proportion to their salaries, determined by the nature of their work and the energy and skill displayed in its performance; and every labourer, man, woman, or child, would also be entitled to a share in the profits proportional to the year's earnings of each.

Thus would the net profits be equitably divided between the three indispensable elements of all production, viz. capital, the passive or inert principle; labour, the active or living principle; and talent, the directing or intelligent principle.

To ensure these large profits, Mr. Pagliardini then proceeds to mention the superior dwelling and farm buildings that could be erected near the centre of so large an estate, in which health, comfort, and economy could be combined; the well-appointed kitchen in which the women could prepare wholesome food for their husbands and families; the bakehouse, washhouse, the schools, &c.—so many negative sources of profit. He then said that by carefully analysing and improving every plot of ground, and using it only for the crops best suited to its nature and exposition—by looking rather to the cultivation of fruits, vegetables, or of feeding-roots for the cattle, than to corn, the produce of the land might be wonderfully increased. He thought that a proper development of the dairy, and the rearing of poultry, might enable the farm to produce an abundant supply of milk, cream, butter, cheese, eggs, and poultry, not only for home consumption, but for exportation; and that if all the farmers of Great Britain would pursue this course they would find themselves infinitely more prosperous than while persisting in devoting their attention chiefly to corn, which free trade can, for the benefit of all, bring far

cheaper and better from more favoured climates. For the dead seasons he suggested that some of those industrial occupations, for which the Irish have shown so much capacity (linen, felts, lace, &c.), should be encouraged; and where all felt that in working for the general weal they were also furthering their own, he was sure the work would be more cheerfully, more honestly, and better done. He also touched, in temperate and reasonable terms, on the distressing question of drunkenness.

Mr. WILLIAM SAUNDERS read a Paper entitled 'The Value of Land, not Rent, the True Basis for Taxation.' He illustrated the injustice of taking rent as a basis for taxation by showing that ninety-five acres of land near London, worth 150,000*l.*, occupied by a wealthy owner, paid in rates 76*l.* per annum only, whereas adjoining land of equal quantity and value occupied by a number of tenants living in small houses paid in rates 1,200*l.* per annum for the land only. The system of taxing on rental enables landlords and speculators to hold land against the public for higher prices, and landlords thus realise all the improvements in value which arises from the development of industry and the increase of population, without contributing a fair proportion of taxation.

With taxation on rental land is really not taxed at all, it is only the industry expended upon it which is taxed. Thus, industry is unduly burdened, and landowners unduly relieved of taxation.

In countries where land is taxed on value, the landowners contribute the greater part of local revenue, and land for building does not attain such an inordinate price as in countries where it can be held without taxation until buildings are erected upon it.

The system of taxing rental and not value makes building land enormously dear and the taxes on building exceptionally high, thus inflicting a double hardship, which is felt especially by the working classes, and operates solely for the benefit of the untaxed landlord, who can hold his land against the public without paying taxes until it becomes enormously dear.

With respect to unimproved agricultural land, which possesses a considerable value on account of its capacity for improvement, but which lets at a small rental because it is unimproved, the taxation of rental instead of value affords a premium upon idleness, and a discouragement to industry. If such land were taxed upon its value, the owners would be compelled either to sell or to improve, and thus industry would

be promoted instead of being discouraged, as it is under the present system.

In a Paper on the 'Out-door Relief Systems in England and Ireland,' Mr. R. H. JEPHSON refers to the advocacy in Ireland of out-relief being extended there to classes which are precluded from such form of relief by the Irish Poor Law Acts, but which are allowed it in England by the Poor Law Amendment Act of 1834, and he points out the causes which led to a difference of legislation on the subject.

It appears, as he explains, that enormous evils and abuses formerly existed in England in connection with the out-door relief system, which the Amendment Act of 1834 was intended to remedy, but which, he observes, has admittedly in a great measure failed in that respect, in consequence of the Act vesting in the central authority (England) power to make orders, rules, and regulations on the subject of relief, and not defining, as in the case of the Acts subsequently passed for Ireland, the classes which may be relieved, and the mode of relief.

Mr. Jephson ascribes the difference between the Poor Law Acts of the two countries to the circumstance that the defective system of out-relief which had prevailed in England for centuries had taken deep root amongst the people, and could not be suddenly terminated, whereas no such system having existed in Ireland, the Legislature was free to adopt for it an Act of a restrictive character, and accordingly did so; the Act however providing for relief in some form for all possible cases of destitution, and affording more security against mal-administration than the English system.

Mr. ABRAHAM SHACKLETON also contributed a Paper 'On the Anomalous Differences in the Poor Laws of Ireland and England with reference to Out-door Relief, Area of Taxation, &c.'[1] The following is an abstract: Differences between the Irish and English poor laws as regards out-door relief regulations have been brought under notice of Irish poor law reformers at sundry times during the last eighteen years, by Professor Ingram, Mr. Ed. G. Brooke, and Dr. Hancock, all of whom concur in the desire that greater liberality in the inclusion of various classes, now excluded under the Irish law, would be beneficial. The writer of the Paper thinks it desirable that as large discretion as possible in the exercise of their powers should be afforded to Irish Boards of Guardians. In times of

[1] This Paper has been printed in full by the Author.

sudden emergency the Local Government Board in Ireland has not the elastic powers possessed by the same Board in England.

In Ireland the areas of taxation for poor relief are much smaller than in England, and no steps have been taken by the Legislature to remedy this defect, although a Select Committee of the House of Commons has reported in favour of union-rating.

It would also be desirable to have a common poor fund for the Dublin metropolitan district, in different parts of which the poor rates are now very unequal in their incidence.

Finally, it is very important that the tendency of legislation for Ireland should be to secure for the working classes as favourable legislative provisions as if they resided in any other portion of the United Kingdom. The author briefly summarizes the conclusions arrived at in this Paper, viz.:—

(1) That it is desirable to allow to the Irish Local Government the same latitude in administering the Poor-law, and to Irish Boards of Guardians the same powers and the same discretion in the exercise of their powers as are enjoyed respectively by the Local Government Board and the several Boards of Guardians in England.

(2) That the provisions for the proper care of lunatics in Ireland should be as extensive and complete as those existing in England.

(3) That a Metropolitan Poor Fund should be established for the metropolitan district of Dublin and its suburbs, and that for the rest of Ireland union-rating should be adopted in lieu of the present system of rating by electoral divisions.

(4) That Boards of Guardians in Ireland should be empowered to see that all children shall attend some school, or be provided with proper means of education, and to pay school fees for those whose parents are unable to pay them.

Mr. WHATELY COOKE TAYLOR read a Paper on 'National Compulsory Insurance.' The object of the Paper is to advocate a system 'whereby every one who is able to do so shall at one time or another of his or her life be compelled to make provision against pauperism.' It is the system of which the Rev. W. L. Blackley is known as the most distinguished advocate. Starting from the fact that 1 person in 30 of the whole population is a pauper, it comments on the danger and disgrace of such a state of things, and the injustice of the Poor Law which throws the support of these worthless and improvident persons on the provident and worthy. Such a law is peculiar to this country, as also is the pauperism itself which it

fosters. No quite satisfactory cure for the latter has ever been propounded. To abolish the Poor Law altogether would now be inhumane, considering the number of persons that have been brought up to trust to it, and the number also of persons who become paupers through no fault of their own. To trust to the spread of education to cure pauperism is utopian, for after ten years of compulsory education pauperism has in no wise diminished. Facilities for saving are useful only to those who are inclined to save, and of these facilities it is notorious that, with respect to the Friendly Societies, the majority of them are unsound. There remains the proposal of compelling people to save out of their earnings, which is the one advocated. It is proposed that the State should compel every one under twenty-one years of age to insure himself or herself to the extent of 10*l.* against possible sickness, and old age. It is calculated that a weekly payment of 1*s.* 3*d.* or 1*s.* 4*d.* for three years, say between the ages of eighteen and twenty-one, equivalent to a full payment of 10*l.* at the latter age, would provide for every wage-earner a payment of 8*s.* a week during incapacity by illness, and of 4*s.* a week anyhow after seventy years of age. Every one should be made to insure his future to this extent. To the rich it would be 'but a trifling public duty to perform,' and would be 'moreover far more than repaid by the certain decrease in the poor rate that would ensue.' For a poor man 'it would be the safest and most productive investment of savings that could possibly be made.' An absolutely destitute person (a confirmed invalid or imbecile) would need special provision as now. Such a scheme is neither unprecedented nor unparalleled. A similar one is now in force in Germany, in Jersey, and in South Australia. Its parallel is even found amongst ourselves at the present day in the deductions made from soldiers' pay for provident purposes, and from children employed in factories and workshops for schooling. The collection and distribution of the funds would be in the hands of the Post Office, already utilised to so great an extent in a like direction. An employer would be responsible for collecting contributions of those whom he employed up to twenty-one years of age. Such a duty would not be more onerous than much that is now undertaken by employers voluntarily. Persons earning very low wages might commence their contributions earlier, and spread them over a longer time, thus making the individual payments less. Contumacious persons would be dealt with according to law, as those are now who refuse to pay their poor rate. The Paper ends with answering some 'common objections,' with which it deals somewhat summarily.

The Rev. W. L. Blackley, in a Paper on 'The Reform of Post Office Industrial Life Assurance,' while acknowledging the great good already done by recent aids to thrift afforded by the Post Office, more especially by the introduction of the well-known saving slips for affixing postage stamps sufficient to make a Savings Bank deposit, applied himself to proposing a simple modification and extension of this system, which should not only be free from the common objection, that this aid to thrift is also an aid to theft (by offering a premium to the pilfering of postage stamps), but might also, without causing the State a single shilling of expense, become the means of cheapening the present very costly life insurance of the thrifty poor by at least a million pounds a year. Laying stress on the striking fact that such a great collecting society as the Prudential, though obliged to expend 9*s.* out of every pound it receives in collection and management, can show a list of between two and three millions of policy holders, while the Post Office Insurance, which, for the same money as the Prudential, offers, with national security, nearly 50 per cent. a larger benefit, is a comparative failure; he showed the cause of this failure to lie, firstly, in the fact of the Post Office only issuing a *minimum* policy of 20*l.*, while the collecting societies insure the smallest amount (averaging altogether only 8*l.* per policy); and, secondly, in the fact that the Government only receives applications and payments in the Post Offices, while the collecting societies send active agents to solicit and receive them at every cottage door. He urged that by issuing special saving stamps, and leaving the insurers to collect at any intervals and pay in once a year their own annual premiums, the Post Office, without any additional expense, might both lower its *minimum* policy to 5*l.*, and further, might bring the boon of life insurance for small sums to every cottage door, by simply allowing their present active agents, the ubiquitous letter carriers, a commission on the sale of savings stamps as they now have on the sale of postage stamps. This would reduce the first cost of collection to the thrifty poor to twopence in the pound, from the large amount of five shillings, which is the common cost to-day.

Mr. Blackley further showed that by issuing savings stamps in various values (sixpenny, shilling, two shilling, &c., as well as penny), those for the higher amounts could be made strictly limitable to any one special object, by simply writing the holder's name across them, thus protecting savings, once determinately made, from waste and spoliation by the owner himself or by others, in the interval required for accumulation between purchase and lodgment.

Mr. ASHER J. MYERS also read a Paper on 'Friendly Societies and the Post Office.' With the object of increasing the security of the funds of Friendly Societies, and facilitating the payment of subscriptions to such societies, while giving full control over the distribution and perfect freedom of management to the members, a plan is proposed whereby the subscriptions of every member of a Friendly Society might be paid in at any post-office. The principal advantages claimed for the proposed plan (given with full details in the Paper) are: 1. The funds of the Society would be from the very first in the custody of the post-office, and defalcations would consequently be reduced to a minimum; 2. The necessity of periodical attendance of members at some common meeting-place at particular times, merely for the purpose of paying in subscriptions, would become unnecessary; 3. Members might still reap the benefit of their former contributions, and continue to keep up their connection with the Society, however much they might be compelled to change their residence.

Sir J. B. PHEAR contributed a Paper on 'The Flow of Gold from England to America.' The following is an abstract: The late 'efflux' of gold from England to America is a natural incident in ordinary trade operations between the two countries. The gold goes abroad as a commodity simply in exchange for commodities which come in, or for some other adequate return in the way of service, &c. And it is selected for export, because under the circumstances of the case it is the cheapest commodity for this country to send to America, and the most advantageous commodity for America to receive from us. The buying and selling of international trading is not effected through the medium of coin, even when the two countries concerned have a common coinage. In *each* of the two countries alike, those who are engaged in *exporting* goods to the other country draw bills in that country and sell them; while those who *import* goods from the other country buy the bills so drawn. Moreover, besides exporters, all other persons in London say, who have money due to them or at their command in New York, which they desire to have remitted to them—*i.e.* who have credit at New York in terms of American money, which they desire to exchange for credit in London in terms of English money—are in the situation of exporters of goods. Examples of such persons are: English shipowners whose ships have carried freights for Americans; Englishmen who by personal service in America have made money

which they desire to have brought home; English bankers and other money dealers who have to receive remuneration from American clients for work and service rendered them; English owners of income, profit, or interest arising from property, undertakings and investments in America; Americans or their agents in England who want to have transmitted to them from home the means of expenditure in England for various objects, such as investment, living, paying for services, or even for gratuitous disposition. Again, all persons in London, who have money there which they desire to remit to New York for any purposes analogous to those just mentioned, are in the situation of importers of goods. A like statement may be made with reference to New York. Taking therefore for simplicity's sake the case of one of the two countries, as England by itself, we see that there is always in London one set of people, namely, *exporters* of goods to America, and other persons in the same situation as such exporters, who draw and offer for sale bills in America, and also another set of people, namely, *importers* of goods from America, and other persons in the same situation as such importers, who buy the bills of the first set. The competition of this buying and selling gives rise to a market rate for the bills thus bought and sold, *i.e.* to the prevalence, for the time being, of a common numerical ratio for all bills bought and sold between the price paid in London for each bill in English money, and the amount payable under the bill at New York in American money. This market is the rate of exchange in London on New York. The rate of exchange in London on New York varies from day to day according to the amount of the bills offered on the part of the sellers and the demand for bills on the part of the buyers. There is in New York a similarly varying rate of exchange upon London. Under ordinary circumstances of trade the rates of exchange between two intertrading countries, prevalent in the one upon the other, are so related that the one approximates to the reciprocal of the other. And there is a maximum and minimum limit in each of the two correlated ranges, beyond which the rate of exchange cannot generally pass; because as the rate of exchange rises in the one country and falls in the other, there comes a point at which it is cheaper or more convenient for any person, who has to remit money from the country where it is rising to the country in which it is falling, to do so by buying and sending bullion, instead of by buying and selling a bill of exchange. This point, which is the maximum point in the rate of exchange rate for the one country and minimum for

the other, may be conveniently designated the outgoing or incoming specie point of exchange, as the case may be, for the country in which it obtains. On reaching its destination, bullion which has been sent to any country in the place of a bill of exchange is usually turned into the money of the country in one of three ways: it is either taken to the mint and coined, or it is deposited in a bank of issue and exchanged for currency notes, or it is sold as precious metals, or in some other manner used as security for procuring the advance of money. Conversion in either of the first two modes constitutes an increase in the amount of money in the country, and therefore tends to make money cheap and all other commodities dear. Cheap money means augmentation of bank deposits and other loan funds, and lowering of discount rates. Conversion in the latter mode does not influence general prices.

The effect of the outflow of bullion in the country of exportation is the converse of this, and also exhibits an additional feature. In the first place, if the bullion exported is bar metal, or if being coined it does not form portion of the currency of the country, it must be obtained by purchase in the ordinary way, and consequently its exportation works no diminution of the amount of money current in the country, and does not influence general prices. In the second place, if it is coin of the country its exportation necessarily diminishes the amount of current money left behind. It therefore tends to make money dear and all other commodities cheap, and leads to enhancement of discount rates. The additional feature is that, inasmuch as the coin of the country can only be procured in considerable quantities by the withdrawal of customers' deposits from banks, rapid exportation of it upon a large scale must involve banks in the same risk as a panic.

It follows that there are generally limits to the dimensions which an exportation of bullion from any country can attain unto; the metal goes out of the country in place of other exports simply because it is at the same time cheaper to procure it in the country of export and dearer to sell and convert into money in the country of import, than is any other commodity available for the purpose;—this is, shortly, the fact which is indicated by the rate of exchange being at specie point. But it is obvious that this condition of things cannot generally long prevail, for the fact of the bullion being taken from the stock of one country and added to that of the other, tends to reverse these conditions, and, if the trading continues, bullion must soon fall into its old place relative to other commodities.

Also, the lowness of the rate of exchange, which was the primary cause of the bullion moving to the country where the low rate prevails, and the high rate of exchange in the country from which the bullion comes, both serve to favour the exportation of other commodities besides bullion from the latter to the former country—the importer in the one country buys his bills cheap wherewith to pay for the imported commodity, and the exporter in the other sells his bills dear, and so makes the more by his venture. It thus appears that the passage of bullion between two countries generally marks a state of maximum inequality in the trade between two countries such as tends to redress itself. It may be remarked that the prohibitory character of the American customs tariff and the great demand in England for American food stuffs must be causes tending respectively to check importation from England into America, and to stimulate exportation from America to England. That is, both these causes together operate to keep the New York rate of exchange upon England at a relatively low level, and serve to augment the frequency with which an inflow of bullion from England into America takes place.

A Paper was also read by Mr. JOSEPH JOHN MURPHY on 'Bimetallism as a Policy for the British Empire.' The purpose of this Paper is to show that Great Britain, in common with the rest of Europe and with North America, has been suffering from a commercial depression which is in a great degree caused by the falling off in the supply of gold from the mines of California and Australia, producing a progressive fall in prices and an increasing difficulty in making payments; while a depreciation of silver, partly due to newly discovered mines in North America, and partly to the practical demonetisation of silver by Germany, France, and the United States, is inflicting severe loss on India, because the Indian Government receives its revenues in silver, and has to pay what is practically a heavy tribute to Great Britain in gold.

The remedy proposed for both of these evils is to pass an Act of Parliament for the entire British Empire, authorising the unrestricted coinage of silver, at the value of 15½ ounces of silver equal to one of gold. This would restore the rupee to par.

In reply to the objection that legislation is not competent to fix prices, it is urged that such a law would not only fix the price of silver, but would create the demand for it; and that it is quite possible for legislation to fix the ratio of the values of gold and silver between limits, which are defined as the ratio

which would subsist in the market if gold were altogether demonetised, and that which would subsist if silver were altogether demonetised.

The British Empire is great enough to act alone in this matter, but it is probable that other nations would follow our example.

In order to avoid any interference with the letter of contracts, it would be necessary to provide that all debts now payable in gold should continue to be so.

A Paper on 'Reclamation of Waste Lands' was read by Mr. G. H. KINAHAN. The following is an abstract. The Paper commenced by giving the area of Ireland, and the estimated acreage of waste lands 6,290,000 acres, to which was added the foreshores above half-tide mark 190,000 acres. It was estimated that half these waste lands and about 100,000 acres of the foreshores, or 3,245,000 acres in all, might be increased in value 5*s.* an acre, giving an increased yearly revenue to the country of 811,250*l.*, which capitalised at ten years' purchase would give over 8,000,000*l.* to be expended on the reclamations.

The author next pointed out the successful and remunerative reclamation of the mountainous lands of Scotland; of the foreshores and Chat Moss in England; but dwelt particularly on the works in the Netherlands, where thousands of acres of land, foreshore and 'holder,' some of the latter having from six to twelve feet of water on it, have been intaken at comparatively small expense; while some of the present richest communes in Holland, such as Groningen and Dreathe, were once for the most part somewhat similar to the present Bog of Allen, Ireland.

In France the fruitful market gardens on the bogs near Amiens were mentioned, and the wonderful results of the oyster and mussel farms at Arcachon, Ause de l'Aiguillon, and other foreshores; and of the pine forest occupying the sand hills on the coast of the Gulf of Gascony.

A comparison was then drawn between these works and what might be done in Ireland. As all the Irish foreshores are above half-tide line, no pumping in the first instance would be necessary, and therefore they ought to be enclosed at half the cost of those in the Netherlands, while in reference to the bog the Shannon and its tributaries, the Barrow with the Royal and Grand canals give a system of main water carriage which could be easily supplemented by branches giving greater facilities than in Holland for changing the bogs into fruitful fields.

Isolated places, such as Rogerstown Creek, Co. Dublin, Redbay Antrim, and Ardtermore, Co. Sligo, were mentioned, at which the Irish sand-hills have been successfully cultivated, showing what might be done elsewhere; and in conclusion the successful oyster culture of oysters in the Burren inlets, Galway Bay, were referred to, while it was pointed that in other places along the south and west coast there were similar facilities.

Mr. EDWARD J. WATHERSTON, in a Paper, elaborated by statistics, on 'Irish Railways,' advocated the principle of unity of administration, under State government. Among the many remedies that have been proposed for the unhappy state of Ireland, visible in its distracted social condition, the increasing poverty of the mass of the people and the rapid decay in numbers of the population, one remedy calculated more than almost any other to foster the growth of trade, commerce, and agriculture, and consequently the prosperity of the Irish people, viz. the improvement and extension of the railway system and the application to it of the principle of unity of administration, providing for the lowest remunerative fares both for goods and passengers—has, in the author's opinion, been singularly overlooked.

While railways have proved a blessing to almost every other country, they have done but little for Ireland, because, although constructed at comparatively but little cost, the traffic is carried on in a most unbusiness-like manner, and their management is in so many hands as to reach the height of absurdity.

On January 1, 1881, Ireland had a total length of 2,370 miles of railways, constructed at a cost of 33,741,058*l.*, and managed by more than 500 directors.

Of the capital, 24,782,448*l.* was in shares, and the remainder, 8,958,610*l.*, in loans and debentures. The total receipts in 1880 amounted to 2,695,272*l.*, expenditure to 1,455,637*l.*, the proportion to receipts being 54 per cent., as against 51 per cent. in England and Scotland. Mismanagement, doubtless, has been one of the primary causes of the ill success of Irish railways, as all must admit that 500 directors are obstructing rather than assisting in the running of trains over 2,370 miles of line—a distance but little in excess of that of a single English railway—the Great Western.

In 1880, in addition to 21,586 season ticket-holders, Irish railways carried 17,259,017 passengers, of whom 1,689,927 travelled first class, 3,914,962 second class, and 11,654,128 third class, together with 3,596,333 tons of goods.

In the same year the railways of Scotland, only 2,907 miles in length, but constructed at a cost of 92,333,212*l.*, carried, in addition to 30,765 season ticket-holders, 45,956,833 passengers, and 31,315,939 tons of goods.

The Irish railways were built at a comparatively low expenditure, the whole of them costing not quite 34 millions sterling, while the Scottish cost over 92 millions. Yet the Scottish lines, in the main, give fair dividends to their shareholders, while the Irish railways do not. In round numbers the traffic returns of the Scottish lines amounted last year to 7 millions, while those of Ireland were scarcely more than 2½ millions sterling. Of course Scotland has manufactures, and Ireland has but few, except the linen industry of the north; but this alone does not explain the enormous difference in the traffic receipts. It must be sought in another direction, namely, the mismanagement of the railways of Ireland.

The great majority of Irish railways consists of single lines, 1,802 miles in length, and only the remainder double, 568 miles in length. Only a single railway, the Dublin-Wicklow, had, but for the length of one mile only, three lines, whereas the English Great Western has 2,148 miles of railway—not far from the total of Ireland—of which only 1,028 miles are single, while 1,120 miles consist not merely of double, but sometimes of six, seven, and even tenfold lines of rails. Another English railway company, the London and North-Western, has a total of 1,736 miles, and of these only 388 are single lines, while 1,348 miles have from a double to a tenfold track. Practically, therefore, Irish railways, as compared with English, are mainly single lines, sadly interfering with their traffic and general usefulness.

Interest on loans and debenture stocks, averaging 4½ per cent. per annum, is paid by some of the companies, not all by any means, but exceedingly limited is the number of those which pay any interest on the capital represented by ordinary shares. In the Railway Returns of the Board of Trade for the year 1880, under the heading of rate of dividends paid, the fatal little word *nil* stands behind more than two-thirds of the Irish railway companies, and even where the unhappy *nil* does not occur, the figures 1 or 2 per cent. frequently stand.

In scarcely any other European country can the spectacle be witnessed of men trudging along in great numbers on foot to save exorbitant railway fares, and of heavy, agricultural produce, even such as hay and potatoes, being carried on the backs of animals close to the route of

the line, while the slow train, nearly empty, is crawling alongside. It costs no more than about two shillings in Ireland to run a train a mile; and the same train might take on its back the loads of a thousand horses, and draw along with it nearly as many human beings. In fact, on the generally level ground of Ireland, admirably adapted for railways, the locomotive—most wonderful of traction powers ever as yet constructed by man—might draw along almost any load when once in movement. It would undoubtedly pay to carry a pig from or to any railway station in the north or west of Ireland for a couple of shillings, if not less; and a human being, able without assistance to be loaded and unloaded, for about half this sum. But the thought that this might be done seems as yet never to have struck the railway managers of Ireland, although they can scarcely be ignorant of the fact that a live Irishman is carried for one-tenth the sum from Dublin to Liverpool than from Belfast to Dublin, and that it is less expensive to send a pig to London from Chicago, in the United States, than from Waterford in Ireland.

The great want of Ireland at the present moment is a comprehensive system of railways. First of all, Ireland requires many more lines of railways than the country at present possesses. They might be constructed at a very low cost, and worked most inexpensively, so as to facilitate to the utmost the carrying of agricultural produce as well as of passengers. Then, secondly, all the railways, old and new, ought to be under unity of administration. This can never be unless they are first acquired in their entirety by the State. Of course there will be a huge outcry against this proposition, but the matter, if closely examined, is not a formidable one after all.

There can be no question that from a merely financial point of view, the strictest that can be taken, the purchase of the Irish railways by the State would be a far better investment than that of the telegraphs of the United Kingdom, undertaken some years ago. Next, as to the social side of the question. It requires scarcely any argument or demonstration that the industries of Ireland, agricultural in the main, would be, almost beyond calculation, furthered by the organisation of an effective and well-managed system of railways. It is such a system of 'roads,' as the Americans justly call them—the best, cheapest, and most available modes of traffic ever known—which will undoubtedly raise the prosperity of Ireland more than aught else could do, and prevent her teeming thousands from flying away in ever increasing numbers across

the Atlantic. They, strictly speaking, go from a country in which there are scarcely any roads, or only such as are very expensive and badly kept, to a land in which there are good and cheap roads. Indeed, the dullest peasant in Ireland, west, north, or south, will see, without persuasion, that, leaving alone the question of 'rint,' it is to his strict advantage to send pigs from Chicago to England, instead of from his own field, and so, of course, he makes way, if he possibly can, in the Chicago direction. The question of rent and of land is really secondary to that of 'roads.'

The political side of the question of the purchase of the railways of Ireland by the Government, though last considered, is, perhaps, one which at this moment might be made to stand in the first line. Not only would the organisation of the at present chaotic railway system of Ireland produce, more than almost anything else, more satisfaction with British rule among the masses, by improving their material condition, but it would be the establishment of an entirely new force, as strongly bound to the Government as the actual constabulary, and, probably, of more influence, both physical and moral, among the people. It is well known that the lower classes of railway servants in Ireland, the porters, guards, engine-drivers, signalmen, and the rest, are wretchedly paid, hard worked, and in nearly all respects badly treated. But their condition would be instantly bettered by the purchase of the Irish railways by the State. The army of railway servants would then become Government servants, and by slight inducements, such as the grant of small pensions of superannuation after a certain number of years of faithful service, or at a given age, and as provided in a recent Act of Parliament—which the railway companies try their utmost to circumnavigate—the host of stalwart men working and keeping watch over the iron highways of Ireland would be among the most faithful adherents of the Crown. The sooner the State takes over the Irish railways the better for Ireland, and the better for the United Kingdom.

The following figures were given as an appendix to Mr. Watherston's paper:—

In the last official 'Railway Returns' the 72 different companies who own the railways of Ireland are grouped under 23 larger undertakings, who either lease or work the smaller lines. The following is the list, copied from the 'Returns,' giving the length of the lines of these 23 companies—including, of course, the amalgamation—their total receipts, their total expenditure, and the proportion per cent. of their expenditure to receipts, in the year 1880:—

Name of Company	Length of Line open Jan. 1, 1881	Total Receipts, 1880	Total Expenditure, 1881	Proportion of Expenditure to Receipts
	Miles	£	£	Per Cent.
Ballycastle	16	640	404	63
Ballymena and Larne	30	13,043	8,003	61
Ballymena, Cushendall, and Redbay .	17	12,133	4,233	35
Belfast and County Down (including the Downpatrick, Dundrum, and Newcastle)	55	56,077	32,768	58
Belfast and Northern Counties (including the Carrickfergus and Larne, and Derry Central) . .	180	198,321	113,942	57
Belfast Central	4	5,409	7,337	136
Belfast, Holywood, and Bangor . .	12	20,606	9,507	46
Cork and Bandon (including the Cork and Kinsale Junction, Ilen Valley, and West Cork)	65	54,568	29,661	54
Cork and Macroom Direct . . .	25	14,575	9,187	63
Cork, Blackrock, and Passage . .	6	12,326	5,972	48
Dublin, Wicklow, and Wexford (including the Dublin and Kingstown)	135	231,114	103,387	45
Dundalk, Newry, and Greenore . .	26	12,471	11,709	94
Finn Valley	13	6,493	4,066	63
Great North of Ireland (including the Enniskillen, Bundoran, and Sligo, and Londonderry and Enniskillen)	503	625,121	323,068	52
Great Southern and Western of Ireland (including the Fermoy and Lismore)	478	700,001	385,758	55
Londonderry and Lough Swilly . .	12	6,624	6,408	97
Midland Great Western of Ireland (including the Dublin and Meath, Great Northern and Western of Ireland, and Navan and Kingscourt)	425	477,053	261,662	55
Newry, Warrenpoint, and Rostrevor .	7	5,943	4,566	77
Sligo, Leitrim, and Northern Counties .	25	6,439	3,443	53
Waterford and Central Ireland (including the Kilkenny Junction) .	60	42,588	22,670	53
Waterford and Limerick (including the Athenry and Ennis Junction, Athenry and Tuam, Rathkeale and Newcastle Junction, and Southern)	226	170,527	89,475	52
Waterford and Tramore	7	6,728	3,826	57
Waterford, Dungarvan, and Lismore .	43	16,472	14,585	89
Total . . .	2,370	2,695,272	1,455,637	54

The position of the Irish railways, compared with those of England and Wales, and of Scotland, is shown in subjoined table, exhibiting, first, the total length of railways of each of

the three divisions of the United Kingdom; secondly, the total receipts; thirdly, the total expenditure; and, fourthly, the proportion, per cent., of expenditure to receipts during the year 1880:—

	Length of Line open Jan. 1, 1881	Total Receipts in 1880	Total Expenditure in 1880	Proportion of Expenditure to Receipts
	Miles	£	£	Per Cent.
England and Wales .	12,656	55,795,186	28,577,111	51
Scotland . . .	2,907	7,001,167	3,568,376	51
Ireland	2,370	2,697,272	1,455,637	54
Total United Kingdom	17,933	65,491,625	33,601,124	51

Even at the first glance at them these figures are startling, and they become even more so if other statistics be taken into account. They may be summed up in the subjoined table exhibiting the paid up capital, or, in other words, the cost of construction of the railways of England and Wales, of Scotland, and of Ireland:—

	Share Capital	Loans and Debentures	Total Paid Up Capital
	£	£	£
England and Wales	449,787,432	152,455,146	602,242,578
Scotland	71,988,337	20,344,875	92,333,212
Ireland	24,782,448	8,958,610	33,741,058
Total United Kingdom . .	546,558,217	181,758,631	728,316,848

As a further illustration of the preceding table, it may be added that, according to the census taken April 4, 1881, England and Wales had 25,968,286 inhabitants; Scotland, 3,734,370; and Ireland, 5,159,839. Surely there is no proportion in the least way adequate between the population and the railways of Great Britain and of Ireland respectively.

A Paper on 'The Place of Women in the Administration of the Irish Poor Law' was read by Miss ISABELLA TOD. The value of the work of women as Poor Law guardians had, she said, begun to be recognised in England, but such work is even more needed in Ireland, where at present a legal restriction exists, preventing the election of ladies. It is especially needed—

First.—Because of the greater demands upon public charity in Ireland, arising from: (1) the greater poverty of the country, and the small accumulation of capital; (2) the disproportionate number of the old, the very young, the feeble, and other weakly workers, caused by the constant emigration of the stronger part of the population; (3) the habitual absence of many of those who ought to be leaders of new enterprises; (4) the power of deportation of Irish-born paupers possessed by English and Scotch unions, while no corresponding power exists in Ireland, as well as from minor causes.

Secondly.—Because of the greater difficulty of meeting those demands on account of: (1) the much more limited powers of action of the Irish Local Government Board than the English Local Government Board; (2) the much more limited powers of Irish Boards of Guardians than English, particularly in regard to the relief of women and children.

Thirdly.—Because these facts increase the obvious importance of women's care of the poor in regard to: (1) the women and children within the workhouses; (2) the boarding out of orphan and deserted children; (3) the appointment of dispensary doctors, the management of dispensaries, the enforcement of sanitary regulations, and the teaching their necessity; (4) the management of the increased power of out-door relief for women which ought to be claimed for Irish boards; (5) the co-operation which should exist between the guardians and the charitable organisations of all kinds, especially those in which women take part.

For these and other reasons the removal of the restriction which prevents ladies from being elected guardians in Ireland is immediately needed.

After the discussion following the reading of this Paper, a resolution in the annexed terms was adopted:—

'That in the opinion of this Department it would tend to the efficiency and economy of the Poor Law system in Ireland, if women were eligible as Poor Law guardians.'

ART.

INFLUENCE OF ANNUAL EXHIBITIONS.

What is the Influence of the Annual Exhibitions of Contemporary Pictures and Sculpture on Art and Public Taste? By Sir THOMAS A. JONES, P.R.H.A.

THE field opened up by this inquiry is one of vast extent, and presents no small difficulties to an unprejudiced investigator. To arrive at a just estimate of the influence exercised by our annual exhibitions, we must, in the first place, consider that influence in relation to Art, and, secondly, in relation to public taste.

And taking first the influence of exhibitions of contemporary works on Art, it will be necessary to consider what we understand by the term Art, and whether Art in the abstract, or contemporary Art, is meant in the special question before us.

Art in the abstract may be defined as 'the perception of the sublime and beautiful,' and as such is universal, unalterable, and above all influences of time or place. Its varied forms of expression are poetry, painting, music, and the formative arts, and in the term of 'the fine arts' Eastlake tells us: 'We comprehend those productions of human genius and skill which are more especially amenable to the decisions of taste, their highest office being to meet ideas of beauty or sublimity by imitation or adequate representation, and by powers of expression essentially their own, to awaken the nobler sympathies.' Like the mingled feeling of awe and veneration which we call religion, Art represents human aspirations and inspirations, and can be traced in the most barbarous and degenerate communities, its highest developments being found with those individuals and people who unite perception with

reflection, and in whom the attractions and influences of the senses are made amenable to exalted impulses.

Art in the abstract cannot, therefore, be understood here, being, as has been said, beyond all influences, but as the religious sentiment to which it has been compared partakes of the characteristics of nations and individuals, and in its development is influenced by time, place, and even climate, so Art is modified by the manners, the tastes, and the intellectual tendencies of the age.

A recent distinguished authority asserts that Art cannot exist without faith, and doubtless, in the two great art-epochs of ancient Greece and mediæval Italy, the full development of its highest impulses has been in the service of religion. Art was admitted as a co-partner, and utilised as an instructor.

The discovery of printing, and through its means the spread of information, gave the first blow to the connection, and now that Ruskin's 'Ages of Faith' have passed away, the lack of inspiration in modern Art may be traced to that utter absence of enthusiasm of any sort which characterises the tone of modern intelligence, and the realism of modern Art springs from that faith in nature which is the only faith left to the aspirations of the diminished few who worship at the shrine of the beautiful and the sublime.

The British school of the present day is ably characterised by one of our most distinguished Art critics, William Rossetti, in a passage so remarkable that it may not be amiss to quote it *in extenso*. He says: 'It is a school not marked, unless as an exception, by idealism, breadth, aspiration, tradition, picturesqueness, or vivid prepossession of any sort. It is not historic, nor religious, nor allegorical. It contemplates things dispassionately, without seeing deep into them, to do which is the property of imagination combined with perception. It represents them accurately and nicely, with some ingenuity and no great grasp, aiming mostly to make the spectator see the thing as the painter sees it, not because he has any strong feelings or perceptions of his own to express in the mode of representation, but because he *does* so see it, and thinks that is the way it would strike an average and unprejudiced eye. The school is therefore on the whole truth-telling and wide in its range, but its truth tends to run into particulars and to miss intensity, and its width of range seldom embraces the highest things treated in the highest form.' Is not this the art to be expected from an age whose characteristic is unbelief, and

a society that is cold because it is weary, and unimaginative because it is listless?

It is therefore contended that, if Art takes the tone of the age, our annual exhibitions have no appreciable influence on contemporary Art, though they may possibly influence the Art of the future.

This view of the question is corroborated by the comparative failure of the many attempts made by our most distinguished artists to awaken a taste for the highest styles of Art. Stirred by the precepts and example of Reynolds, the artists of his time—Barry, West, Fuseli, Copley, Opie, Northcote, and others—contributed fine imaginative or historic works of the size of life to the earlier annual exhibitions of the Royal Academy, but the public overlooked their merit and complained of their size, and, though the experiment was fairly tried, it became evident that works of this class are not in sympathy with British taste, and, if tolerated at all, must conform to the dimensions of English houses.

That this experiment was not successful is, after all, not so much a matter of surprise, for in no country has private patronage proved equal to the task of sustaining those artists who devote themselves exclusively to the highest styles of Art; and the service of religion, or the support of the State, has always proved indispensable to the production of the grandest efforts of genius on a scale commensurate with their importance. We have said that Art has ceased to be an adjunct to religion, and is more particularly banished from the churches of the Reformation. This is, however, not the time or place to enter into a discussion on the subject, or try to combat this remnant of old-world iconoclasm. That such *is* the fact is all that concerns the present inquiry, and proves that in this direction, at least, Art has little outlook for its higher manifestations.

With reference to the patronage of the State, it will be remembered that, some five-and-thirty years ago, the Government of that day made the praiseworthy experiment of commissioning the decoration of the then new Houses of Parliament with befitting frescoes on a grand scale, the execution being intrusted to those artists whose cartoons in competition were selected, and great hopes were entertained that the experiment would prove the inauguration of a new era in the history of British Art. But whether the artists selected had not the training which works of such a class demand, or whether the medium insisted on was not adapted to our humid climate, the success did not equal the anticipations; and though

some fine works were produced, the attempt has not led to repetition or development.

Until, therefore, our civilisation is sufficiently advanced to admit Art in the adornment of our churches, and our national and municipal buildings, we cannot hope to find a fitting field for the exercise of those higher powers of conception and execution which assuredly exist among us, and only require encouragement for their full development. The Corporation of Manchester is setting a noble example in this respect, which it is hoped other public bodies will imitate, but the success of which it would be premature to discuss.

And here the utility of our annual exhibitions of contemporary Art becomes apparent, as they afford the only means by which our artists can come, as it were, face to face with their public, and influence with that public might be possible if, regardless of past failures, they dared to oppose their insular prejudices, and by working for Art, and Art only, they aimed at turning the tide of our national tendencies.

Did they even adopt a lower standard and, like the French artists of the day, struggle through years of labour and privation in the pursuit of Fame, content to deny themselves the luxuries and even comforts of life, if the laurels of the Salon eventually crown their brows, then, indeed, British Art might occupy a nobler position among the nations.

Unfortunately our artists with few exceptions seem neither actuated by love of Art, nor desire for fame. Their object is to gain as much money as they can in the shortest time possible. Consequently they will not afford themselves time to thoroughly master the technique of *any* Art in their eagerness to 'make it pay,' and having no higher aim they manufacture Art such as it is, and that modern creation, the dealer, goes the round of their studios, and, like the buyers for commercial houses, selects the wares best suited to the taste of his customers. Brilliant exceptions there doubtless are, and some great artists among us labour to interest, and at the same time elevate the public taste; but the manufacturer carries the day, and even were the forms of ancient Greece linked with the colour of Veronese presented to our public, they would waken little sympathy among the masses who throng our exhibition galleries.

So it comes that our figure painters and sculptors are driven to the representation of familiar subjects, and, it must be confessed, their compositions, though sometimes puerile and conceited, are unstained by the grossness and vulgarity of the Dutch school of Teniers and Ostade, and often

they invest them with pathos and intellectual interest. If, however, they stoop to adapt their creations to the public standard, there can be no doubt they have their reward, for in the annals of Art past or present, the enormous sums received by living British artists are unparalleled, and the present day may well be styled the Golden Age of Art in England. But that elevated Art is not the product of gold, is sufficiently evident by the few names we can add to the Libro D'Oro of illustrious contemporaries, and poor Continental nations can boast a long roll of distinguished living artists whose fame extends wherever Art is recognised, and whose noble compositions shed lustre on their country and their times.

Can, therefore, the position and characteristics of the British school be accounted for on any other hypothesis than that put forward here, that public taste dominates over Art; and the contemporary Art of our exhibitions not only fails to influence, but is produced in conformity with that taste?

Annual exhibitions, however, if they fail to influence the taste of the day, undoubtedly tend to increase it. Could the statistics of the last ten years be procured, and we could compare the number of exhibitions, the numbers attending them, and the amount of sales effected, there exists little doubt that 1881 would be found far in advance of 1871, and on such data it might reasonably be presumed that there must be a great increase in the number of individuals taking an interest in Art, and necessarily possessing what we call taste. Instead of being confined to the capitals and a few leading cities, annual Art Exhibitions are now instituted in many provincial towns, and even in Dublin, within the last few years, two societies, the Irish Fine Art, and the Dublin Amateurs, give annual exhibitions in addition to that of the Royal Hibernian Academy, and we are promised another Art Association, a distinctive feature in whose programme will be an annual loan collection of works of high artistic standard.

Any attempt to disparage the talents of our living artists is here most emphatically disclaimed. Had they the support of either the State, or that of public bodies and corporations, they would doubtless be able to meet, and fit themselves for the requirements of the more exalted styles of Art. Failing this support, they must only adapt themselves to the prevailing taste of their public, and as landscape painting comes within the range of its intellectual capacity, the landscape painting of the present day is consequently far in advance of all previous efforts in both refinement of feeling and truth, and it

is presumed will form the distinctive characteristic of Nineteenth Century Art in the estimation of the critics of future civilisations.

On our public taste lies the blame of any shortcomings in our Art, for, though with lavish hand it patronises what affords it satisfaction, no Minister would be allowed to hold office who proposed to allocate a portion of the funds for the decoration of our public buildings. South Kensington, no doubt, is amply supported by the State, but it must be borne in mind that its object is the improvement of our Art manufactures. It justifies that support; and, in the opinion of competent judges, has mainly contributed to the marvellous advance in Art manufacture and decorative taste within the last thirty years, and the hope may be expressed that in time its influence may react upon the higher branches, and bad Art will seem incongruous amid surroundings marked by perfect taste and harmonious colouring.

And here it may not be irrelevant to allude to an influence which our annual exhibitions might exercise with advantage, but which is up to the present almost ignored.

The question before us, it will be remembered, is, 'What is the Influence exercised by our annual Exhibitions upon Art and Public Taste?' And it has been attempted to show their influence is little, if any, on Art, and that on the contrary they are controlled by public taste. But public taste in this instance means the taste of the upper and middle classes, who can afford to pay for admission, and purchase catalogues. The masses of the people to whom these exhibitions might prove a boon, and a powerful civilising agent, are as completely excluded as if their existence was ignored.

We are amazed at the refined feeling shown in the manufactures of France and other Continental States, but we forget that in those countries all art galleries and exhibitions are free to the artisan, the mechanic, and the labourer, on the *only* day of the week on which they can enjoy and profit by them.

With us the same puritanism that banishes Art from our churches, hermetically seals all places of rational amusement to the lower orders, while with glaring inconsistency it leaves the gin palaces and public-houses open for their delectation. The Roman who prescribed 'panem et circenses' for the populace, was more wise in his generation than the ruling powers in Great Britain. We give them bread truly, but for it we exact the toil of twelve hours daily, from Monday to Saturday, and on the day of rest we allow them, under certain restrictions, to breathe the air. They may wander through

the streets and slums, but at every corner we license traps for their souls and bodies. The strong ones may get a glimpse of the trees and the fields, if the weather is sufficiently fine to allow it; but in our climate how many fine Sundays can we boast of in the year? And, when the rain comes down in torrents, or the footways are thick with snow or sludge, and the bitter east wind pierces their scanty garments, where are they to go for their day of rest? They have no choice but to remain in their fœtid dwellings, in rooms where whole families huddle together in dirt and discomfort, or take refuge in the 'gilded saloons' of the licensed vintners; and can we feel surprise that they choose the latter, and purchase a few hours' forgetfulness with the money which should buy their children bread. How much misery, how much crime, might be prevented, were our picture galleries, our exhibitions, our museums, and our botanic gardens, opened free to the public on Sundays between the hours of three and six in the afternoon! And in what way could this privilege interfere with the religious services of the day? The inconsistency of the hackneyed answer, that this would deprive the custodians of public galleries of their day of rest is apparent, when we never hesitate to employ our own servants, our cab-drivers, and our railway *employés* on that day.

Why are we so concerned about the Sabbath of our porters and custodians, while our club servants are unthought of? And where are our sympathies with the waiters in hotels and the jaded attendants in gin palaces? And, further, have the porters and custodians of our exhibitions been consulted by those who are so anxious about them, and can a single instance be brought forward of refusal, when additional payment is offered for the extra hours of attendance? Of course it will be argued, that in the cited instances, necessary wants are supplied. Granted. But will it be for a moment contended that recreation for the people is *not* a necessary want. Our Government has entered on a great scheme of compulsory education. Would it not be well in the first place to ameliorate their condition, and humanise them a little through their senses of eye and ear, before teaching them to read and making them more keenly alive to the misery of their lot?

In this city, remote as it is from the great art centres, we are fortunate in being among the first to recognise this great want. The Royal Hibernian Academy has for years back opened its annual exhibitions, for six weeks in each season, at the nominal sum of one penny, between the hours of eight and

ten in the evening. The council at the same time supply a cheap edition of the catalogue, and what are the results? Within the last ten years 241,668 persons of the humbler classes have availed themselves of this advantage, and the numbers attending show a steady increase from 18,776 in 1871 to 30,739 in the last year. The galleries can only accommodate 900 at a time, yet the arrangements never permit of overcrowding, thus answering the objection frequently urged against free admissions. It is worthy of remark that during those ten years, not the slightest injury has occurred to either pictures or frames, and another notable fact, and one of great significance, is, that the workmen who pay one penny for admission, buy catalogues far exceeding in relative proportion the number purchased by the day visitors at a shilling.

The financial position of the Academy does not warrant at present the free opening on Sunday afternoons, but the council hope shortly to be enabled to do so. The director and guardians of the National Gallery in Merrion Square in this city have however set the praiseworthy example, and during the last ten years their collections have been opened free to the public on Sundays between the hours of two and five in the afternoon. The average attendance is 700, almost entirely confined to the artizan class, and bearing out our advocacy of the necessity of providing the lower order in our climate with other places of resort than beer-houses and whisky shops. The attendance on wet Sundays doubles that on fine ones.

These suggestions will doubtless give offence to many who have either not sufficiently entered into the subject, or who, in this nineteenth century, still consider a Scotch Sunday the ideal of Sabbatical observance. With people holding such views it is not our wish to argue, convinced that in our advocacy of the poor man's cause we interfere with no religious duties. We do *not* recommend the opening of theatres, concert halls, or any place of entertainment out of which a money-profit could be made. The poorest workman on the Continent can see the choicest works of Art, and hear the best music on Sunday afternoons without charge. Why should our artisans not have the same advantage? The answer is, we are too conceited and too lazy to move out of established grooves, and so satisfied with things as they are, we refuse to profit by example.

It was remarked at the commencement of this Paper that the field opened out by the consideration of this question was wide. So wide, indeed, that the limited time at our disposal permits of only touching on some points of interest and wholly

excluding others. Writing from this side St. George's Channel, where few opportunities exist for the comprehensive study of contemporary Art, much aid has been derived from a report on 'The State and Prospects of the English School' furnished by the late Sir Charles Eastlake to the Commissioners of the Fine Arts in 1842, when the decoration of the Houses of Parliament was in contemplation. Forty years have passed away since that report was made, and no improvement has taken place in public taste, while, with the notable exception of our landscape painters, the shortcomings of our artists seem almost intensified, and some of our brightest geniuses sell their birthright for the mess of pottage.

To summarise the answer which this Paper would suggest to the propounded question—'What is the Influence of Annual Exhibitions of Contemporary Pictures and Sculptures on Art and Public Taste?'

Art in her sublime, and, therefore, only true aspect, is above the reach of the suggested influence. In Greece and Italy, in the times of Art's greatest glory, religion inspired, and the nation sustained, her noblest efforts, and raised her to a height towards which our century of annual exhibitions has made no perceptible approach, while, in our day and nation, public parsimony, insular prejudice, and the decay of faith, threaten to close the ways by which ancient and mediæval artists advanced to their exalted triumphs.

The successive displays of each year's work, unaccompanied by instruction, and unimproved by the stimulus of contrast, can provide a ready and a profitable outlet for the exercise of artistic power, but only at lower levels, and at the cost of submission to an influence which dwarfs, if it does not degrade, our Art. The mercenary pursuit of the modern 'patron,' the wealthy, but uninspired purchaser, tends to make our exhibitions rather shops than schools, brings down the imagination of the artist to the demands of his market, and leads us to conclude that Art is now influenced by taste, not taste by Art. Thus the British school, like the British nation, grows more and more commercial, domestic, homely; sacrifices imagination to realism, and substitutes prose for poetry.

Meanwhile, the same narrowness which so nearly excludes our artists from the domain of religious inspiration, restricts the exercise of those refining influences which, most notably in Ireland, any exhibition of artistic work brings into immediate operation upon the masses of our people, while we continue to tempt and to gratify their grosser instincts; if we would but contemplate the vast numbers and the varied classes of those to

whose daily labours Art could be applied with direct and ever-increasing advantage, we should perceive that every obstacle which is permitted to obstruct the spreading of her influence works double and accumulating injury to the public weal.

In the opinion of many, our view of the subject will be considered decidedly pessimist and unnecessarily severe. It will therefore be a relief to find this question will be treated also, by a more practised hand, and probably from a more attractive and laudatory point of view. All we ask is credit for sincerity of purpose, and it would afford the highest gratification if this discussion led, however remotely, to the effacement of prejudices, and the elevation and refinement of public taste.

On the Same.

By T. C. Horsfall.

It is very certain that pictures and sculpture cannot have a strong influence on the thought and feeling, on the taste, or on any other quality or faculty of a person who does not look at them with as much attention as is needed to make him remember a good deal about them when they are no longer before his eyes. It is equally certain that most persons are unwilling to give this degree of attention to the examination of pictures and sculpture unless the subjects represented are interesting to them, and that few subjects are interesting to people who do not know far more about them than any one picture or statue can tell them.

It is exceedingly difficult for artists in our day to find subjects which are interesting to a very large number of people. Every exhibition of painting and sculpture shows that artists as a rule have to take either uninteresting subjects, the 'before and after' of which are known to almost every one, or subjects which are interesting to a few people, who know much more about them than the artist shows, but which are simply unguessable riddles to most of the people who see them. One of the results of this is that the contents of galleries are examined with attention by only a very small proportion of those who visit them, and that the arts of the sculptor and painter have far less influence on the thought and feeling of the nation than those persons are convinced they ought to have, who have themselves gained deep pleasure from a painter's or sculptor's noble treatment of a noble subject. No greater mistake, I

believe, can be made than to infer from the comparatively slight influence which sculpture and painting have on our life, that we, the public, are incapable of taking as deep an interest in a great work of art as, for instance, the Florentines are said to have taken in Cimabue's Madonna; or that we have not painters capable of painting pictures deeply interesting to most of their fellow countrymen. There are several good reasons for holding a quite different belief. For artists it may truly be said that of those kinds of art for which favourable conditions exist, many noble examples are produced. Great men form almost the only subjects of which we can at present expect that fine pictures will be made; and a good many fine portraits are painted. The exceptionally favourable conditions existing with regard to this class of subjects, are that for portraits of great men, public bodies, or individuals, are willing to pay good prices; that the subjects are not trivial, and yet that almost everyone knows much more about them than the pictures tell. Of other kinds of pictures, enough fine examples are painted to make it almost certain that if favourable conditions existed, a great many more would be produced. For us, for the public, it may be said that a good many of us look at pictures with great interest before we can understand the meaning of many words; and that, later in life, we go in crowds to see, though it is true few of us offer to buy, most of the pictures which are at the same time great and intelligible to us.

The object of this Association in asking the question which we are now considering was, doubtless, to obtain suggestions for improvement in the existing system of annual exhibitions. That system is, I believe, almost everywhere the same. A committee is appointed which asks well-known artists to lend works for exhibition, and accepts for exhibition all works offered by other artists that reach a certain level of technical excellence. In some cases a few prizes are given each year by a committee, for the works which seem to it to be the best of their classes.

If we are to be on safe ground in suggesting changes in this system, we must see clearly why it is that under it artists paint so few pictures of deeply interesting subjects—why it is that they have so often to choose between trivial subjects, which everyone knows about and nobody cares much for, and those which are very interesting to a few people and incomprehensible to most. The chief reason obviously is that the knowledge shared by modern people is so enormous in quantity that each person can only possess a very small proportion, and each part of it therefore is common to a comparatively small number

of people. Every intelligent person in the country probably knows many events or things which would form admirable subjects for pictures, and at pictures of them he would look with keen interest; but no one such event or thing is known to more than a few scores of people in a town, and no one person of those scores is prepared to buy a picture of one of these events, nor are the few scores collectively. While the knowledge of the community is so diffused we can hardly imagine that any subjects can be so generally interesting to people of our time as the subjects of the sculpture of the Parthenon were to Athenian, or as the Madonna of Cimabue was to Florentines; nor if works reaching that degree of interest were wrought can we imagine who would buy them.

The question whether annual exhibitions can be made to have a better influence than they now have, involves, I believe, this series of questions: Can the organisers of annual exhibitions induce artists to choose their subjects from some one area of knowledge, from some one class of events, rather than from others, and also induce most of the people who come to the exhibition to make themselves familiar with the area, the class, from which the subjects are by preference to be taken? And can they arrange to buy each year for public purposes some of the works exhibited? If these things are done, then annual exhibitions will, I think, have a far better influence on public taste than they now have. I will now mention ways in which I believe that these things might be done. I ventured to suggest in *Fraser's Magazine* of June last year, that the Royal Academy should every year reserve some small part of its space for pictures of subjects taken from one book, or play, or poem, the title of which should be announced the previous year. If this plan were adopted, a considerable number of people would probably read the book of the year before going to the exhibition, and, so prepared, would understand and enjoy the pictures of its incidents which they would see more thoroughly than most people enjoy many pictures at present. A new edition of the work of the year would probably be published, and copies of the best pictures would form its illustrations. In this way literature and painting would help each other to influence culture. The same plan might be tried in towns other than London, but as fewer able men would send pictures, only comparatively small results could be hoped for. But no committee composed of intelligent men and women, feeling a real love for art and a real interest in their fellow creatures, would have any difficulty in proposing many classes of subjects. Each of the chief functions of art suggests a large

number. Its power of communicating, by virtue of its comparative simplicity, and of the accentuation in it of modes of beauty, part of the painter's perception of beauty—this power suggests that the people of every large town should have fine representations before their eyes of the most beautiful places near them, in order that they may learn to feel some of the charm and value of that natural beauty which has already been entirely banished from our towns, and which must be in part recovered if health of body and mind is to exist in them. The power of art to give a clear conception of the appearance, and of much that underlies the appearance, of things about which we know much from often hearing or reading about them, this power suggests that every town should be provided with pictures of many of the picturesque places connected with it by bonds of trade or other ties. And that high function which Mr. Ruskin rightly attributes to art, when he says that all great art is praise, suggests that art should be used to make the people of our towns 'think nobly' of life, by placing before them pictures of some of the events at once noble and picturesque, which are found in the records of all large towns. But the power of inducing some artists to choose interesting subjects cannot be gained by a committee unless it buy each year several of the pictures exhibited in its gallery. The Liverpool town council does this, so I believe does the council of Birmingham, and that of Manchester has resolved to devote 2,000*l.* a year for twenty years to the purchase of pictures. But, as far as I know, not one of the councils has attempted to guide the painters who send pictures to their galleries in their choice of subjects. If both parts of the system were adopted, the public would expect to see at the annual exhibition several pictures of the subjects recommended by the committee, and would find it worth its while to gain beforehand the knowledge of the subjects needed for the enjoyment of the pictures, while artists would know that if they painted pictures of the subjects recommended, their work would be carefully examined and enjoyed by a great many people, and, if of great merit, would be bought by the committee.

In every large town where a public gallery exists, an energetic committee adopting this system would find it possible to raise annually a sum of, perhaps, several thousands of pounds, certainly, of many hundreds, for the purchase of works of art. For in every large town there are many people who love art, and some who love it intelligently. Amongst the large number who can afford to spend annually one or two hundred pounds, but not more, on pictures, some surely can be brought to see

that by acting in conjunction with their fellow citizens, they can buy, and place in the gallery which is always open to them and their children, nobler pictures of nobler subjects than they can ever hope to buy for their own houses. It is very desirable that for the purpose of bringing about this joint action of intelligent lovers of art, the more thoughtful artists shall take all possible opportunities of teaching the public that whether art is to have a stronger influence on thought and feeling in this country than it now has, depends not on the will of artists, but on whether many members of the well-to-do classes not only love art, but are willing to use it for the purpose of giving the education of noble pleasure to the mass of their fellow creatures. That this question is a most serious one, that the element of noble pleasure is the kind of education which is more needed than almost any other, I don't think many people will doubt, who know what the life of the poorer classes in our towns now is. Much of the degradation which is so terribly common there, is unquestionably due to the fact that thousands of people, from year's end to year's end, see hardly anything which reveals to them that they have a nature fitted for nobler pleasures than those which beer and gin can give. Places where workpeople can with their children spend some of their leisure time, amid things telling them pleasant tales of the world, whose seamy side is the only one which they now see, and of the great works and deeds of their fellow-creatures, would do much to make them think nobly of human nature, and to feel some reverence for the Maker of the World. It may, perhaps, be hoped that when the relation to religion of the feeling which the beauty of nature and the higher kinds of the beauty of art tend to create is more commonly understood, churches will be made attractive and edifying, by pictures bearing witness, not only to the greatness of the works of the Creator, but also to the noble powers which He has given to men. But whether towns thus use their churches, or continue to believe that one public gallery is adequate provision for several hundred thousand people, some such system for annual exhibitions as I have described will be needed to obtain a supply of good and interesting pictures. I have to add, that while I believe that a committee would do well to seek to lead artists to choose certain kinds of subjects, I do not think that the committee should restrict its purchases to pictures of those subjects. It will sometimes happen that a painter whose imagination has been taken by a subject quite different from any that a committee would suggest, will make a picture better worth having than any other.

There is one other point with regard to annual exhibitions which I will very briefly notice: the influence exercised by pictures on those who look at them by virtue of their technical qualities, as distinguished from the influence on thought and feeling of their subjects. This influence I believe to be much less important than that which I have discussed. For one person who can be induced by pictures to take pleasure in beautiful colours, beautiful lines, admirable composition, or any qualities of the kind, there are a score to whom pictures can give delight, by conveying to them fine impressions of fine subjects. But of course the more successful exhibitions are in teaching people to know and care for good work, the better both for public taste and for art. If, of the people who go to exhibitions, those who desire to admire rightly knew that no picture was exhibited which had not technical qualities of a high order, they would probably examine with care the work in all the pictures they looked at, and so gain the power of recognising and enjoying good work. But, as far as my knowledge goes, there is no annual exhibition which does not contain a large proportion of work devoid of all merit—work which all lovers of art should try to prevent their fellow-creatures from admiring. Committees of selection conscientiously choose for exhibition the works which seem to them to be the best of those which are offered to them, but they apparently believe that their duty towards artists compels them to leave no part of the wall space at their disposal uncovered. It cannot be hoped that annual exhibitions will have much influence for good on public taste till those who control them resolve that, however much of the wall space may be left empty, no picture shall be exhibited which does not deserve admiration.

On the Same.

By W. Cave Thomas.

THE prevailing notions in respect to the relation of the fine arts to society are so erroneous that it will be well to glance at that relation in the past, as when observed at historic distance it may be contemplated as a whole, emancipated from that detail on which the mind at closer view is too apt to rest and to attach exaggerated importance.

Men frequently talk about the fine arts as if there had been an ever present manifestation of art in nature civilising

mankind; whereas art, but of the very rudest and crudest kind, was the product of a very high and comparatively recent state of civilisation. Fine art, therefore, was evidently not the cause, but the effect of civilisation. To assure ourselves of the truth of this, we have but to take a cursory glance at the art remains of the two great epochs—the Grecian and the Italian—to see that art development was progressive, and that the several marked steps in this progression exhibit in both instances similar characteristics; there is the crude period of their infancy, there are the angular eccentricities of their youth, and the fulness, moderation, and symmetry of their manhood; and if we pursue the parallel to the end, there is an analogy in the infirmities of their decline. Moreover, if at the same time we bear in mind the various steps in the social and intellectual development of those epochs, we shall find that the characteristic of the fine arts at any period in their progression was that of the civilisation of the period. The finest art was never the outcome of the earlier periods of national growth. Art, in fact, is not the root and stem, but the flower of culture; it is the true index of the intellectual status of a nation at any period of its history.

The supporters of the vulgar notion that art civilises would nevertheless scarcely dare to maintain that any but the highest, the best, could effect that end, and yet we see that civilisation advanced along a highway disfigured by hideous, crude, and imperfect art, notwithstanding which, your modern dilettanti have not the slightest compunction in collecting and exhibiting this rudimentary art in juxtaposition with the works of Phidias, Michael Angelo, and Raphael, and oh, inconsistency! for what? To instruct and elevate the masses.

To show how powerless the presence even of the finest art is to effect either the intellectual or artistic regeneration of a people, we have but to point to those vast art treasures in Italy, which from the 'decadence' until yesterday—for more than two centuries, in fact—were ever present to the Italian people without one whit effecting those ends. It is quite clear, therefore, that the best productions of art have in themselves no power to educate and to civilise. The fine arts are, as we have already maintained, the outcome and not the cause of civilisation. The finest art of a former period was powerless to prevent the political, social, and intellectual decline of Italy, much less to revive her or even to regenerate art.

Let us proceed to deduce the moral of the foregoing facts. In both the great art epochs we have alluded to it should be

recollected that the relation of art to the State was entirely different to that which it bears in our own time and country. In both the *demand*; the demand for the cultivation of the fine arts proceeded from a dominant intellectual caste; the patronage of art was not left to the haphazard of individual whim, to the capricious tastes of the 'nouveaux riches.' It is to that fortunate circumstance that we may attribute the transcendant excellence of Grecian and Italian art. And why? Because a dominant intellectual caste can hardly deal with any kind of art but that which affects the highest aims, which devotes itself to the illustration of themes of the highest order—and to illustrate themes of the highest order, requires the highest order of artistic talent.

In both the Grecian and Italian art epochs the dominant intellectual power required chiefly the illustration of religious themes; in the one case it may be said that that power demanded the illustration of an Evangel of Beauty, and in the other that of the Evangel of Redemption. The demand for art in illustration of these high themes, requiring the most elevated thought, the noblest forms of art, and the best skill for their exposition, may almost be said to have been a State policy. And thus the art of those two great epochs being devoted to a very considerable extent to the decoration of religious edifices was fit for the contemplation of the people, not only on every day, but on the holiest of days, and was held to be sacred. And Byron, imbued with the same sentiment of the sacredness of the highest forms of art, wrote:—

> And they who kneel to idols so divine
> Break no commandment, for high heaven is there
> Transfused, transfigurated.

It was the abandonment of that grand art policy with the 'decadence,' and in the turmoil of political and religious revolutions, that gave rise to the modern art exhibition. It was the changed intellectual and political conditions which were the *raison d'être* in the annals of art of this new institution. But with the establishment of the modern art exhibition came new art interests other than the highest. For we may notice in the lesser art schools, when abandoned to the ruling of those new and diverse influences, less dominant and consistent than those in Greece and in Italy—as, for instance, in the Spanish, Flemish, and the French (time, Louis XIV.)—that art never attained to the acme of excellence. These schools produced portrait and genre painters, but never historical of the grandest type, and we may unmistakably recognise in these

schools that the intellectual and social surroundings gave form to the art, not the art to its surroundings.

When, therefore, the question is asked, 'What is the influence of our annual exhibitions?' we reply, most emphatically, to make the art of the country more and more representative; representative of the bizarre tastes of the many. For there is no great dominant idea, as in Greece and in Italy, to guide English art. English artists in the aggregate, and whatever their original aspirations may have been, are obliged to bow to the demands of the public. The more thoughtful among us may sometimes petulantly abuse the Royal Academy, but in calmer and more consistent moments we know full well that the Academy is totally unable to change by its exhibitions the condition of public taste; there is a power outside of and stronger than the Royal Academy, of which power the general characteristics of our exhibitions are consequently and perforce the exponents, and that is the mighty general public's will and pleasure.

It is this headstrong, inconsistent will, if we desire to see English art elevated, that we must endeavour to alter and to right. And this, it would appear to me, is only to be accomplished by either the one or the other of the two following ways: either by making the public think more deeply and consistently, or by a highly educated class, or caste, setting the right fashion in art. For right leading, I mean a demand for the higher forms of art, is more potential for good than all the precepts of taste and art talk in the world. Artists themselves cannot be expected to go on sending pictures of a high order to exhibitions; you might as reasonably ask publishers to publish unpopular literature without being paid for it. There is no demand for art of that kind, and neglected, it gradually falls out of the exhibitions. Nevertheless, there are painters who would be but too pleased to respond to a State art policy, which should demand the illustration of historic incident, of religious and poetic themes. An art policy of this kind is that of all others the best calculated to hasten a grand national art development. And yet there are members of the Senate who persistently oppose the very policy which led to that glorious development of the fine arts in Greece and in Italy; that policy under which painting and sculpture in those countries became worthy to be styled monumental art.

The art-intellect is the *formative* intellect, the kind of intellect which in all periods is in advance of that of the mass; imbued, in some measure it is true, with the prevailing tone of thought of the period, but always somewhat in advance of

this. If, however, as sometimes happens, the artistic mind be too far in advance of the intellect of the period, it will be out of keeping in its productions with public taste, and those artists who may be unfortunate enough to be thus unseasonably endowed will have little scope for the exercise of their advanced and great abilities.

The power of art to instruct is, as we have seen, little; but the power of art to please and to entertain is great. If a people is to be pleased and to be entertained, therefore, the fine arts must be conformed to their tastes, whether these be high or low, and thus the fashion of the people's entertainments is always a faithful index of the intellectual and social status of the time.

The art-world gradually becomes a new-created world, in which the facts of the older world are modified and conformed to human sympathies and intelligence; and the people, as they become educated, take an interest in seeing how this is in various ways either attempted or accomplished. Art exhibitions, therefore, as long as the art exhibited observes moral limitations, afford innocent entertainment and recreation for the mind. And it is upon these grounds that the Sunday Society wisely and justly demands the opening of our galleries and museums on a Sunday.

We should regard exhibitions, then, not as designed for 'adult instruction,' but for the entertainment of the mind's eye, as designed for the eye's festa, the eye's holiday. Modern exhibitions are not the influencing but the influenced. As the people advance in thinking and in taste they will take pleasure in higher art, and that advance, we may rest assured, will be kept pace with by the artist. And we may look forward to a time when a critical public will be able to detect false art, as readily as an Italian audience a false note in music.

It will, indeed, be a great day for England and for English art when its chief exhibitions shall no longer be in rooms or galleries, but in its public buildings and its highways, for then art will have escaped from the trammels of capricious patronage to devote its energies to a national purpose. Who shall initiate the movement to this end, the State or the aristocracy?

Discussion.

Mr. Mark H. Judge (London) expressed his great pleasure at hearing the cause in which he was deeply interested—the opening of art galleries on Sundays—advocated so strongly by both Sir Thomas Jones and Mr. Cave Thomas. It seemed to him that too much importance

could not be given to the Sunday opening movement, as it was in the highest degree desirable that picture galleries and other art institutions should be available to their fullest extent. The position which Mr. Thomas had taken up in describing art as an effect and not a cause was only giving utterance to part of a truth. They were all aware of the perfection in music which was attained in Italy. That, however, was not a result which had been evoked out of one epoch or one generation, it was the reflex of one generation upon another; and so of art exhibitions; and if the giving of great attention to art matters had not a civilising effect he was very much mistaken, and in his opinion a great deal of time was wasted. But he believed that art had a civilising influence, and for that reason he wished it to be as available for the great masses of the people as it was for the upper classes. If they took the son of a labouring man and brought him up with the surroundings of the middle-classes, he would be the same as the son of the middle-class man. He, therefore, thought that Mr. Thomas had not been happy in describing art as an effect and not a cause. It was no doubt greatly an effect, but perhaps it was chiefly a cause. Mr. Judge wished chiefly to emphasise that part of the argument relating to the popularisation of art, and to thank Sir Thomas Jones for the prominence which he had given to it in his paper.

Mr. Thomas Drew, R.H.A. (Dublin), regretted the absence of any reference to architecture in the papers which had been read, and that the writers had confined their attention chiefly to painting and sculpture. He thought that architecture had been overlooked in the great exhibitions. He believed that architecture and monumental buildings had a great civilising effect upon the masses, and he thought that the complaint frequently made as to a want of State patronage of art might be emphasised in regard to architecture. The same complaint certainly could not be made of the great municipalities of England, some of which, notably Manchester, were with great spirit producing magnificent buildings. Unfortunately such a tendency seemed of late years to have been absent from the State, and the consequence was that great monumental writers and architectural productions had not been of an inspiriting description.

Mr. Rawson Carroll (Dublin) had hoped that from the number of persons present some one would have risen to protest against what seemed to be a prominent feature in all the papers, viz. the suggestion that art galleries, museums, &c., should be opened on Sundays. He was ready to oppose this proposition even if he were in a minority of one, for he felt very strongly that it would be a grave reflection on Dublin if this Congress was the first to let such a proposal go unchallenged. At every other meeting of the Congress, when such a proposition was made, he was glad to find that voices had been raised to oppose it. Dublin had been congratulated as having been the first city in the United Kingdom to inaugurate the movement by the opening of her National Gallery on Sunday, and it was considered a further subject for congratulation that since the opening of the Irish National Gallery and the Irish Academy on Sundays, the number of visitors had steadily increased; but from his point of view, this was rather a subject for

regret; for any one who observed the persons to be met with at these Sunday exhibitions could not have failed to perceive that the great majority of them were not the frequenters of public-houses who had been enticed away from those places, but were rather of the class who had previously been accustomed to consider Sunday a day in which they should attend more particularly to those religious matters from which the occupations of the week had barred them; these persons were being taught (unfortunately) that Sunday was a day which might be devoted to secular amusements, art, culture, and other similar occupations, when once the single attendance at church was over. He did not see where they were to stop if they opened picture galleries, museums, and had concerts; for wherein did the concerts suggested by Sir Thomas Jones differ from those in music halls and theatres, and were they prepared to open theatres on Sundays, as in France? We were told that the opening of these places of recreation would empty the public-houses, and that a Continental Sunday would tend to increase the sobriety of the country. If Sunday drinking is to be abolished, let us try to do this by some better means than the substituting of a thing which is in itself wrong. He thought the tendency of the views which he was opposing was to raise the art culture at the expense of the moral tone of the nation. The Scotch Sabbath had been sneered at as a sanctimonious hypocritical sham. There might be undue restriction in the Sunday observances of the Scotch, but statistics have abundantly proved that the closing of public-houses in the large towns of Scotland has been attended by a marked diminution of crime, and these public-houses have been closed without substituting the counter-attraction of art galleries, &c.; thus proving that no such alternative is necessary.

Mr. J. W. Joynt (Dublin) was sure that the department could only have been gratified at hearing the remarks of Mr. Rawson Carroll, because the question which had been raised was well worth discussion, and, that being so, it was desirable to hear both sides. It was, moreover, a question of practical importance, and one eminently fitted for discussion by the Social Science Association. They must avoid being led away by any such argument as that which Mr. Carroll had put forward, when he affirmed that there was no halting place between the opening of museums and art galleries and permitting every kind of amusement on Sundays. Reforms were often made without its being necessary or advisable to pursue the direction of the reform to its logical conclusion. Every day reforms were made which, if followed out in this way, would easily cause alarm as to the results which might follow, and yet every one of them would admit that this argument was not a sufficient ground for condemning the reform itself. They were seeking for a particular reform, and they were not to condemn it because if followed, to its logical consequences, it would involve certain other changes which many of them would consider undesirable. The fact was that while the country was not prepared for the opening of theatres and the holding of public amusements on Sundays, there undoubtedly was a sentiment in favour of the opening of museums which was fast gaining ground. As social reformers they must not hesitate

to grant what was for the public good merely because those who would come hereafter would use it as an argument for something which went further. He could not conceive how any one looking at the matter in this spirit could oppose the reform which they advocated to-day. There could be no doubt that the opening of these galleries to the lower classes—the display to them of pictures, statues, and buildings—had the effect of improving and elevating the moral tone engendered by the surroundings amid which they lived. However, they must remember that to please the people should be the second step, the first being to raise them above the condition of savages. While, then, this was the effect produced by exhibitions, they should be slow to say that on any day the free use of museums and art galleries was either irreligious or immoral.

Mr. Howard Pentland (Dublin) thought the discussion on this question had assumed a different aspect from what Sir Thomas Jones intended. It was scarcely fair to confine criticism to a portion of the address, but since the point had been raised, it might be well to set this side issue on its proper basis. The notion that the Sunday opening of museums could be adequately treated without the religious element was absurd. The whole thing hinged on what was, or was not, consistent with the observance of Sunday, and this again depended on creeds, and could not be settled till creeds were settled. Voltaire gave good advice when he said that terms should be defined. It would have been interesting if those who had already spoken on the matter had furnished the meeting with a definition of 'Sunday,' before expressing their views. The word probably connoted different ideas in the minds of all present. Those who looked upon the day from the agnostic point of view would approve of everything that conduced to recreation and rest, but those who looked upon it from the Christian point of view would naturally require that all the occupations of the day should further the cause of Christianity. Indiscriminate exhibitions of pictures that conveyed every possible emotion could not, therefore, be acceptable to Christians. A Sunday exhibition at Siena in the thirteenth century, in the time of Cimabue, Duccio di Buoninsegna, and Giotto, when the hearts of state and people were knit together in the bonds of religious fervour, when art could do nothing but further religion, would have been widely different to one undertaken in the present day. What bond now relegated aims and hopes? not even a secular one such as produced German symphony and Elizabethan drama. There were at least four parties in Parliament, and in science the severing was still greater. The greatest art had been Christian and religious, and therefore it would seem that an exhibition of such art should please all parties on all days. Fra Angelico and Handel produced art for churches, and it would be well that colour and sound should unite in furthering Christianity for Christians in and out of church, and the cause of humanity for agnostics, out of church. We had too little of them. The whole question, at best, was but a side issue, but nothing more could be said unless it was desired to transform the meeting into a controversial one; the next move would necessarily be an apology for a faith.

Dr. Agnew (Tasmania), as a casual visitor from Australia, thought it would be interesting for him to mention the result of his own experience in those parts in connection with this matter. For a long time he had been honorary Secretary to the Royal Society of Tasmania, and with the full sanction of the bishop of Tasmania, who was one of the members of the Council, they had opened the museum of the Society on Sundays, with the best possible results. The attendance on Sundays during the month that the trial had been made, had been larger than that on all the other days of the week put together. He considered that a remarkable testimony in favour of Sunday opening. He thought the question of picture galleries stood in precisely the same position as that of museums.

Mr. H. C. Boyes (Hon. Secretary of the Department) expressed his regret that so much discussion should have taken place on what was, after all, but a secondary point. He was strongly in favour of the opening of museums and picture galleries on Sundays, but, at the same time, he thought that the advocates of the change were in the habit of expecting a great deal too much from it. The highest art was not intentionally didactic. When it attempted to be so, it lost its life as art. To acquire a love of the beautiful, either in art or nature, was of course an education of the highest value, and this may be acquired by a study of the highest art. But the mere exhibition of pictures of a so-called religious or moral character must not be expected to produce much immediate effect on the spectators; nor are works of art which are intended to convey moral or religious lessons to be considered as of the highest class of artistic production. The highest art was the spontaneous expression of the highest imagination. It was neither moral nor immoral, but 'unmoral,' and its influence in refining and educating those who are influenced by it is not a direct but an indirect one. An art exhibition, such as that which had been suggested by Mr. Pentland, would not, therefore, in his judgment have any useful influence whatever. He should be sorry to see a collection of merely religious pictures displayed, whether on Sunday or on any other day. In his opinion Sir Thomas Jones had hit the right nail on the head when he said, in regard to exhibitions of pictures, that artists were not so much the leaders or cultivators of the public taste, as they were its directors. Artists were bound by the exigencies of modern life to produce such work as there was a demand for, and he was afraid it was almost impossible for any artist, under the present state of things, to alter that system. Till they had a great school of decorative art, when the proper aim of the artist should be to adorn our monumental buildings with painting and sculpture, he was afraid public exhibitions would always have the effect which Sir Thomas Jones had so well pointed out, of inducing the artist to adapt his work to that for which there was a public demand. That being the case, it was of course an additional reason for thinking that those who were looking for a great moral effect from these exhibitions were mistaken. At the same time, there could be no doubt that a visit to these exhibitions was a very much more rational way of spending time than the public had hitherto been permitted to spend its Sunday afternoons. He

thought if the people who supported the movement would not try to fly too high, not say that they were going to elevate the masses, but state plainly what they were going to do; namely, to afford people the opportunity of spending their Sunday afternoons rationally and innocently, much more good might follow. Mr. Drew had referred to the exhibitions of architectural drawings as being unpopular. For his (Mr. Boyes's) own part, he was very glad to see they were, and he hoped they would continue to be so. He considered their unpopularity due to the circumstance that in the great majority of cases these drawings were untruths, merely pretty pictures, got up to catch the eye, and often only very faintly resembling the buildings they were supposed to depict. The first object and intention of such drawings had probably been to hoodwink ignorant competition committees who had to decide on the merits of competitors. Failing or succeeding in this object, as the case might be, the next stage in their career was probably to be exhibited at the Royal Academy or elsewhere. They were interesting specimens, perhaps, of draughtsmanship more or less skilful, but quite unworthy of the name of architecture. The real exhibitions of architecture by which our architects must stand or fall were to be seen in our buildings. Drawings were not architecture.

Sir Thomas Jones, P.R.H.A., said, with great respect to those who had held the opposite view, he had heard nothing which appeared to him to controvert his opinions on the question. He looked upon Sunday as a day of rest, and while he thought a portion of it ought to be devoted to religious exercises, he thought some portion might with advantage be reserved for that which would take the mind from some of the rush and wear of life. He did not claim that this would have any great moral influence, but it would certainly have a refining one. He was quite certain that the man who would bring his family to look at pictures would go home with better ideas of decency and propriety than if he had spent the time in a public-house. It was simply upon that ground that he had ventured to recommend the course he had. He did not for a moment suggest anything which would interfere with the religious duties of the day. The highest authority had said that the Sabbath was made for man and not man for the Sabbath, and he would venture to say that it was made for rest and recreation, they might even call it amusement if they liked, always bearing in mind that amusement might be perfectly innocent. He would not interpose anything which would interfere with the religious services of the morning, and, as he had said, he was opposed to the opening of theatres or the holding of concerts whereby any profit could be made, and he did not want to turn the Sabbath into a source of profit for any one, but he could not see why picture galleries and museums should not be open as well as gin palaces, why a band should not play of an afternoon a choice selection of music, to which people might listen without payment; in short, he desired to aim at some mean between a Continental Sunday and the cold Sabbath of Scotland.

Mr. Horsfall also replied. He said that Mr. Gambier Parry, when President of the Art Department at the Cheltenham meeting, expressed an opinion that the success of a discussion is proportionate to

the degree in which it brings out differences of view. Looking at what had taken place that morning from Mr. Parry's standpoint, he was afraid their discussion had not been very successful, for the disagreement had been very slight, and except on one or two points there had really been almost an absolute agreement. There was, however, one important difference between the view taken by Sir Thomas Jones and himself of art, and that taken by Mr. Cave Thomas. The latter had urged that art was an effect, to a far greater extent than it was a cause, of civilisation. He (Mr. Horsfall) entirely dissented from that view. He should be disposed to say that art might be defined rightly as civilisation itself rather than as the effect or cause of civilisation. While disposed to agree with Mr. Boyes that the direct influence of art was not, in the common sense of the word, moral, there was no doubt that fine art would not thrive except amongst people who care much for its influence on human happiness. They had all been looking in their papers to the possibility of making art promote more than it now does to the welfare of the masses o the people. That was why they set so much value on the opening o the museums and art galleries on Sundays. It was simply impossible while the upper classes were indifferent to the utter ugliness and brutality of the life of the lower orders that they could have any very healthy feeling for the beauty of the fine arts. Till they could find some means of bringing the people out of the wretched low state in which they were now existing, fine art could certainly not have very wide prosperity among them. For that reason they attached importance to the opening of galleries on Sundays.

RELATIONS OF PAINTING AND SCULPTURE TO ARCHITECTURE.

What should be the relations of Painting and Sculpture to Architecture? By H. H. STATHAM.

IN endeavouring to suggest an answer to the above question, I have at least one advantage, viz. that I have but a very indefinite idea as to what those who proposed the question meant by it, or what direction they wished the consideration of the subject to take. Feeling myself, therefore, free to follow my own ideas in treating the subject, I may say that the question appears to me to be capable of consideration in three different lights: First, in regard to the definition and limitation of the profession of the architect; secondly, in regard to the place which painting and sculpture should take in the general architectural scheme of a building, and the degree in which they are or are not independent of the architecture; thirdly, in regard to the practical relations which should subsist between the architect on the one hand, and the sculptor or painter

on the other, in the actual designing and carrying out of a building.

The first head, the definition of the profession of architect, is an important element in the discussion of the subject, for this reason, that it involves an answer to the question, whether the architect is to be regarded as directly responsible for the painted and sculptured decoration of the building—whether, in short, he is to be practically a painter and sculptor, or a designer of painting and sculpture—or whether he is to leave these adornments of the building to the hands of artists who have made a special study and profession of those branches of art. Upon this point there have been all kinds of contradictory opinions, architecture being at present not only the best-abused profession of the day (which is partly the fault of the architects, but partly due to ignorance on the part of the public and of the leader-writers in the *Times*), but also the one about the nature and duties of which the most vague ideas are entertained. According to one theory and practice, an architect is little more than a man of business, drawing plans, writing specifications, arranging the sale of house and land property, and conducting arbitrations. According to another view, he is an ethereal and all-gifted genius, having at his finger-ends every sort of artistic design, able to model sculpture, and to furnish cartoons for frescoes, and equal to everything, except when sometimes his pure soul may be vexed by an untoward question about a drain. And between these two extremes is to be found every intermediate shade of idea as to the entity of an architect, most of them about as precise as that which was furnished to me one day by an engineer, of whom I asked in what he considered the difference lay between his practice and that of an architect, and who replied, 'Oh, every one knows that; an architect is a man who draws houses, and churches, and things;' the engineer being presumably a man who draws bridges and things. Yet there is really nothing vague in the matter at all. The province of the architect is capable of a perfectly simple and intelligible definition. Architecture is the art of 'building *with expression*,' and the architect is the professor of that art. That includes all the practical and constructive part of building, as the basis, with the addition of picturesque effect or expression embodied in the arrangement of the plan of the building, the grouping and outline of the whole structure erected upon that plan, and, finally, the further expression given by the addition of ornamental detail, and its characteristic design and treatment. When a man plans and builds a structure without any consideration at all

for its appearance or expression, but only in regard to its practical utility, then he is purely an engineer; but, in fact, there ought not, rightly speaking, to be any essential distinction between architecture and engineering as far as buildings of any kind are concerned. A bridge ought to be as much a piece of architecture as a church, and is as much susceptible of architectural expression; and the distinction between an architect and an engineer should be regarded only as that between men occupied in different branches of the same profession, just as a Chancery barrister takes a different class of cases from a railway barrister, though both ranking in the same profession. As a matter of fact, a large proportion of the structures built by engineers are either destitute of architectural expression, or are examples of architectural forms misapplied; but that fact does not affect the principle. Now, having defined the architect as a man concerned in building with expression, from the arrangement of the plan up to the ornamental detail, I should draw a line there, and say that when you come to the addition of painting and sculpture a new form of art is introduced, and a new artist must be brought upon the scene. Architectural design and ornamental design (which latter is really the same class of art carried into minute details and emancipated to some extent from the trammels of construction) represent a form of art which does not directly imitate nature, and does not express definite ideas or raise definite emotions; it deals only with the general expression derived from order, repetition, symmetry, and balance of parts. Painting and sculpture do imitate nature, and do express definite ideas and excite definite emotions, and therefore belong to a different category among the arts, and require different genius, different studies and powers from those which go to furnish the architectural artist. The idea that the same man may acquire and wield these various powers is quite futile, as all experience goes to show. There have been modern architects who have taken up the idea that they would design their own figure-sculpture for their churches and other buildings. I should like to ask how much of the sculpture so designed would have had a chance of acceptance at the Royal Academy, where the standard of sculpture certainly is not extravagantly high? On the other hand, we have the case of such a man as Michael Angelo, who is spoken of as an example of one who was painter, sculptor, and architect. He was a great genius and in every way a most exceptional man; but the great architectural work usually credited to him is one of the worst-designed buildings in detail in the world; the dome

was so badly constructed that it nearly came down again; and it is now proved by documentary evidence that all the good points in the general design of St. Peter's were due to Bramante, whose chief study was architecture, and whose design Michael Angelo spoiled in carrying it out. Probably the only man in the history of art who had the faculty to be equally great as an architect and as a painter was Leonardo da Vinci, by whom there exist some architectural studies which look like the work of a man who had given his whole mind to architecture; but then Leonardo was the most exceptionally omniscient artist who ever lived. On the other hand, the idea which has been promulgated by Ruskin (whose architectural criticism is of an exceedingly *dilettante* character), that architecture is no art and has no sufficient interest without sculpture and painting, need never be entertained by those who know how much matter for interest and study lies in the combination of practical construction and practical planning with architectural expression; how very much of art there is or should be even in the planning of a building; how very few modern buildings are artistically planned; and how large and varied is the field occupied by ornamental design as an art perfectly distinct from that of the sculptor and painter. It is a common idea with painters that they can plan their own houses, which they occasionally do, with the result usually of producing the most eccentric and inconvenient dwellings that could be imagined; and as to ornament, a majority of sculptors and painters really do not seem to know what it means. Let any one who understands ornament study the ornamental accessories added by sculptors to the pedestals and other subsidiary portions of their works, and he will probably come to the conclusion that the remark is not at all too strong.

Having thus endeavoured to show that the architect has quite enough to do without attempting to meddle with sculpture or painting, and that his own especial work, if properly and fully carried out, is sufficiently honourable and important in itself to rank as an art and to demand the best efforts even of men of exceptional ability, let us consider what is the relation which sculpture and painting should bear to architecture when brought into direct combination with it as contributing to the total effect, and whether these arts are fulfilling their highest function in contributing to heighten architectural effect, or whether, in their highest achievements, they demand to be considered separately, and for their own sake alone. To many critics and some artists of the present day, the latter suggestion will seem absurd and hardly worth consideration.

There is at present a very general assumption among people who write about art, that painting has lost much of its interest and life in the present day, in part through the prevalence of easel pictures, and that if we only took to painting on the walls in fresco there would at once be an immense revival of art. Why that should be I fail to see, and I have never found any one who could explain it satisfactorily. If there is a dearth of originality and power in modern painting, it is difficult to see how these qualities are to be developed by merely adopting a different medium of execution. The frescoes executed by well-known painters on the walls of the Houses of Parliament are not superior in style or imaginative power to the oil paintings by which they made their reputation. Sir Frederick Leighton's fresco at South Kensington is not his highest title to admiration. What would be gained by the general adoption of wall-painting as a decoration to our buildings is probably this, an increased demand for painting and a consequently more extended scope for artists, and the opportunity of carrying out paintings on a larger scale than is usually practised in this country at present. But the idea that painting and sculpture necessarily gain by being connected with a scheme of architectural design appears to me to be so far from the truth, that I would be disposed to say, on the contrary, that a work of the highest class, whether in painting or sculpture, demands an isolated position and undivided study; that it is rather lowered than raised by being made to play the part of an element in architectural decoration; and that painting and sculpture really cannot be brought into decorative combination with architecture unless they part with some of their own life and are conventionalised so far as to harmonise with the severe and lifeless art of architecture.

If we take sculpture in particular, an art naturally more nearly allied to architecture than painting, we find that it is susceptible of almost every grade of conventionalism, down to a point at which it seems almost to blend into architecture. Egyptian art furnishes the most striking example of this. In the avenues of sphinxes which formed the approach to their temples, figures all repeating the same fixed expressionless countenance, it would have been difficult to define whether the impression produced was architectural or sculptural. A single such figure would not have any particular interest or dignity, except where colossal dimensions (as in the case of *the* sphinx *par excellence*) might impart these qualities; a long row of such objects is at once impressive, and hence we see that this form of sculpture is in reality to be regarded

as a colossal architectural ornament. The Caryatide figures introduced occasionally into Greek architecture are in some cases examples of a similar architectural use of sculpture in the repetition of somewhat conventional and expressionless figures, identical in treatment, and forming, in fact, not so much an ornament to as an actual portion of the architectural construction. And as long as sculpture is thus employed as a portion of the architecture, not as an arbitrary addition, it must be treated in this severe semi-mechanical style, or it will lose its unity with the architectural design, and appear to be crushed and overpowered by the architecture. In short, if you are to use sculptured figures as part of the architecture, you must take the life out of them first or they will protest against their usage. Even the celebrated figures in the porch of the Erechtheion are an instance of this: they would be models of architectural sculpture if they were placed in niches or otherwise framed in the architecture, but being made a part of the construction, and carrying the roof on their heads, they always appear to me to be subjected to a menial office in the design which they are far too good for, and which, in some degree, degrades them. When we come to the addition of sculpture which is framed in the architectural design, and not a part, or an apparent part of the construction, the sculptor can have much more latitude. But even here, as long as his work is to be regarded as a part of the architectural design and to be considered in combination with it, it must be reduced to a certain conventionalism of character and repose of line, otherwise it will inevitably interfere with the repose and balance of the whole, and will assert its individual life too strongly. We may illustrate this by a reference to the front of Wells Cathedral, the most largely decorated with sculpture of all the English cathedrals. There are on this rich-looking architectural façade sculptures of two perfectly different types. The majority of the figures are large, above life size, and mostly formal and stiff in attitude, and clad in full robes. Near the top of the façade, however, there runs across the building a series of niches filled by nude figures, about half-life size, in violent action, representing the Resurrection, the dead in the act of coming to life and rising from their tombs. They are different from any other sculpture in our mediæval cathedrals, and were probably executed by foreign artists. Examined in detail they are very fine and pathetic, but are too high up to be seen properly from below, and owing to their comparatively small scale they have no effect on the general character of the façade, but might easily be passed over in a

general survey. As sculpture, these figures, though much dilapidated, are superior to anything else on the façade; yet we may say without a shadow of doubt, that if the figures which fill the greater part of the façade had been like these, had been figures in violent action and expressing violent emotion, the architectural effect of the whole would have been far inferior in dignity and grandeur to what it actually is. The figures would have disturbed everything and taken away all the repose which is essential to the highest architectural effect. The moral is, when you wish to use sculpture as an essential element in the total effect of a building, you do not require the most elaborate and life-like forms of sculpture; you must, so to speak, architecturalise the sculpture so as to make it harmonise with its position, and give a general expression and meaning to the building without too strongly obtruding its individual expression or character. When you do want to connect sculpture of the highest class with architectural effect, it is to be done not by making the sculpture part of the architecture, but by placing it in a commanding position in front of or in the midst of architectural composition, which may serve as a worthy background to it, while the sculptural work stands out in the isolation which is required for its proper study and its full effect.

The question with regard to painting is less complicated than in the case of sculpture, because works in painting never can form, or appear to form, part of the architectural construction; they must always appear as decorative additions. But with this exception, the same kind of conditions exist as in the case of sculpture and architecture. If the painting is to be what it is the fashion to call 'monumental'—to appear as an indestructible portion of the building and closely allied with the architectural design—it must give up some of the realistic effect and emotional expression which belong to the painting that comes nearest to the representation of nature and of human life and character; it must avoid anything like scenic or perspective illusion, which would interfere with the solidity of the architectural effect, and it must represent figures and actions with that degree of conventionalism which will harmonise the picture with the repose of the architecture. The most highly finished class of easel pictures painted in oil cannot thus be blended with architecture. Such pictures are in the nature of poems complete in themselves, with their own special life and interest, and which are therefore rightly treated as separate works to be framed off and studied each for its own individuality of interest. The only approach you can

make towards assimilating such pictures with the architecture would be by spacing and dividing off the design of the walls into panels having a direct relation to the size of the pictures, so as to give to the room and the pictures the appearance of having been intended for each other; an idea which it would be worth while to carry out when the object was to show some fine pictures in an effective manner; but in such an arrangement anything like an attempt to make the paintings seem part of the wall must be carefully avoided; they must appear as they are, separate objects. When the painting is executed on the wall, and is to harmonise decoratively with the architecture, it will be found that, as with sculpture, exactly in proportion as you wish to make the painting a part of the architectural design, must you conventionalise it and throw it back from the plane of realism. In this respect there is no doubt that mosaic is the method which most completely combines with architecture; mosaic being, in fact, itself a kind of building on a minute scale, and having that solidity, hardness, and brilliancy of surface which gives it all the appearance of being part of the structure itself, and as durable as the building in which it is placed. Moreover, the brilliant effect of mosaic is peculiarly valuable where it is desired to have a richly coloured interior decoration, as the picture in mosaic can then take its place as the strongest point, the high light in the decoration, to which everything else leads up; that being the position which decorative paintings always should occupy in a scheme of decoration; they should always be the culminating point. For this reason the less brilliant texture and usually lower tones of fresco render it less suitable for richly decorated buildings; it comes in better where low tones of colour and a broad repose of effect are desired, and admits of more varied and realistic treatment than mosaic, though this licence must be carefully limited, if the painting is to keep its place in the architectural scheme. The danger of approaching too nearly to purely pictorial treatment in such a case is illustrated in some of the frescoes in the Houses of Parliament, which are reproductions of oil paintings, and executed in as realistic a style as the material will admit of, producing an effect entirely at variance with the architectural framework in which they are placed. It may be observed, in connection with this part of the subject, that Baron Triqueti's method of executing pictorial designs in inlaid marble has some peculiar advantages for architectural decoration, being capable of being executed almost in the same material as that in which the building is

finished, and being, like mosaic, a picture architecturally built up and of indestructible materials; and it seems a pity that a better trial has not been given to this method of decorative painting, if so it may be called.

But whatever method may be employed in carrying out decorative sculpture and painting in a building, two things are absolutely essential: first, that the subjects should be suitably chosen, and the paintings or sculptures should form a completely arranged series, with a distinct point and meaning in the parts and the whole; and secondly, that the architecture should be, and should manifestly appear to be, specially designed for that particular series of painting or sculpture, and not built at haphazard, to be turned over to the painter or sculptor to do what they can with it. And this brings us to the third point: What should be the relation of the architect to the painter and sculptor in actually carrying out the building? And here I would reinstate the architect. I proposed before to cut him off from any pretension to be a painter or sculptor; but I would place him as the directing mind of the whole scheme. It would be his province not only to plan and design the building, but to consider beforehand what decorative painting or sculpture he would have introduced in it, what ideas they should illustrate, what method or style of work should be selected, and then to provide for this in the architectural scheme, so that the whole should appear as one idea intended from the first, and deliberately carried out step by step. In such a case the architect may expect to have, and should have, some control over the work of the sculptor and painter; should be consulted by them, and should have at least a power of *veto* against any design which he considers opposed to the general effect aimed at in his building, and to the result which he planned from the first. It is only, however, when the architect has given this deliberate thought to the whole scheme, that he can claim the right to control the painter and sculptor. If he has merely left a space for a painting here, and a niche for a statue there, without any consideration as to the subject or even as to the effective lighting of the work when *in situ*, the painter and sculptor may reasonably say, 'You did not think of us, and we are not bound to think of you.' That is not the way to produce a great and complete artistic result, but it is the way the thing generally is done; partly because the architects will not take the trouble to think and plan out the whole scheme beforehand, partly because, if they were willing to do so, not one in a hundred of their

employers would allow them the necessary time; the object usually being not to get as perfect a building as possible, but to get it finished at the earliest possible date.

This is what appears to me to be the truth in regard to the relation of sculpture and painting to architecture; and the practical deduction from such a conclusion would be this: that those who are concerned in the erection of large buildings, especially public buildings, would do well to endeavour to combine decorative sculpture and painting with the architecture in order to increase the interest of the building in detail, and the richness and variety of the total effect; that to do this successfully requires that the whole scheme of the architecture and the decorative art should be considered and worked out as a whole by one directing mind, who should be the architect; and that to do this well necessitates much more time and deliberate thought than is at present generally bestowed or allowed for in such cases. That the more general employment of sculpture, and of one or another form of pictorial design, in connection with architecture, would add much to the interest of our buildings, would afford many more opportunities than now exist to sculptors and painters, and would be likely to promote public taste for, and interest in, art, by familiarising the popular mind with artistic design; but that it is a fallacy to expect that such a course would necessarily create or foster a higher standard of artistic genius in sculpture and painting; and that, on the contrary, the very highest works of genius in those arts must stand alone and on their own merits, and cannot be bent into subservience to an architectural scheme. The dilemma is similar to that in which the art of music is placed by the new school of lyric drama founded by Wagner. In that school the attempt has been made, with a great degree of success in some instances, to make the musical composition progress hand in hand with the dramatic action at every step, but this is done at the cost of curtailing and breaking up the development of the musical ideas, in order to reduce them to obedience to the details of the dramatic action and story; the total effect is more logical, but the music is in itself much less interesting, and is almost unmeaning apart from the drama. Similarly, if we wish to bend painting and sculpture into decorative arts, forming part of an architectural whole, we can only do so by reducing their emotional expression and conventionalising their style and execution so as to fit them for their proper place in the general scheme of design, and thereby producing art which, like Wagner's music, will contribute to a logical whole, but will be of inferior interest apart from that

connection. To suppose, therefore, that such a system would lead to a quickening of artistic genius and invention in these arts seems to me to be a groundless, if not an absurd, expectation, and seems equivalent to saying, 'the great artists of the cinquecento period painted in fresco on the walls of buildings; let us also paint in fresco on the walls, and we shall be sure to become great artists.' The fact is that the reasons for the artistic greatness of one age and the artistic weakness of another, lie much deeper than this, that they are in fact quite beyond analysis. Artistic inspiration and genius, like the wind, bloweth where it listeth, and we cannot say whence it cometh or whither it goeth. It is glowing and spontaneous in one age; it is cramped, stunted, and tentative in another. We may be conscious of, and lament its decay, but we can really do no more: it is not at the beck and call of any theory, however complete and logical.

On the Same.

By W. Cave Thomas.

We will at once take the question by the horns, and affirm that an apt analogy of the relation of painting and sculpture to architecture is to be found in the relation of *the capital* to *the shaft*, in the Corinthian column. Painting and sculpture are *the capital* and crowning mercy, and architecture the constructive foundation, the base, *the shaft*. The column in its totality represents the one art of which painting, sculpture, and architecture are different phases. But this analogy is, perhaps, too bold and general to afford that instruction which the question submitted for discussion is designed to elicit.

Let us, therefore, take another motive for our discourse, and assume that the true function of architecture is the contrivance of *the house*. I use the word *house* in a metaphorical as well as actual sense, as it is on several occasions used in the Scriptures, and as the glorious poet Spenser uses it in his description of *the House* of Temperance in the 'Faerie Queene.' Many persons have, doubtless, read this allegory without having the slightest suspicion that the poet is describing the human body as the dwelling of Temperance. It opens thus:—

> The frame thereof seemed partly circulare,
> And part triangulare: O worke divine!

Those two the first and last proportions are;
The one imperfect, mortal, foeminine;
Th' other immortall, perfect, masculine;
And 'twixt them both a quadrate was the base,
Proportioned equally by seven and nine;
Nine was the circle sett in heaven's place:
All which compacted, made a goodly diapase.

The universe is regarded as *the House* of the Great Architect, and *the house* under various other titles of the home, the mansion, the palace, and the temple, are respectively the dwellings of the commoner, of the noble, of the prince, and of the idea. The function of the architect is to perfectly adapt *the house* to its purpose. But in every case the architect must bear this important truth in mind, namely, that he has chiefly to deal with the designing of the base and *shaft* of that column which painting and sculpture should cap.

In the contrivance of *the house*, from the hut to the gorgeous palace and solemn temple, the *capital* undergoes progressive development. In the hut and ordinary home we must regard *the capital* as merely rudimentary, but in the mansion, the palace, and the shrine it should attain to its full development and crowning glory. That is to say, the architect in designing the palace and the temple must bear in mind this important condition, that *the house* in these instances must be crowned by the two arts, which can express in form and colour more completely than his own, either the human purpose, or the indwelling idea. In some cases it may be said, indeed, that *the house* should be absolutely designed as the home of painting and sculpture, which in the temple and the shrine become the representatives of the idea; and thus we come to perceive that the highest aim of the architect is to design an appropriate setting for painting and sculpture.

Perhaps no edifice more simply and completely sets forth the relationship of painting and sculpture to architecture than the famous Parthenon, which was designed by the architect from the very beginning as *the house* of Minerva, and Phidias was commissioned to represent its ideal tenant in colossal effigy. The constructive, solid framework of the Parthenon was from the beginning designed to be *the pedestal* or *setting* that should bear the chryselephantine statue of the goddess, the pediments, the frieze, and the metopes as its *capital*. And it is said that the artist of *the capital* had a directing voice over the artist of *the pedestal*, that all the 'tektones,' in fact, from the tapestry workers to the architektone himself, were under the supervision of Phidias. In those days they did not build the house first

and then consider whether they should put any painting or sculpture into it. These arts were considered essential portions of a noble structure.

Thousands of buildings in our own time are mere *shafts* or *pedestals* without *capitals*, buildings from which painting and sculpture are completely excluded, buildings which have empty pediments, empty friezes, and bare walls. And yet the public are for ever crying out Art! Art! when there is no art, and seem to think that the arts of painting, sculpture, and architecture should be for ever divided and pursue their ways independently of each other. Yet this very public never ceases to insist upon the importance of studying the history of art, as if but to flout all that this history teaches. They continue to cry out for more art schools when history informs them that in the great and most successful art times art education was not conducted in this way, but that the public of those days demanded more public buildings, and that these should be decorated by the painters and sculptors of the period. They go on crying out for more old masters and more antiques, when they have been told over and over again that Grecian and Italian art were not founded upon old masters and upon antiques. They go on crying out for more and more art exhibitions to be filled with bizarre fancies in which no leading and national purpose is to be discerned, in which high thought is conspicuous by its absence. And, finally, they allow themselves to be fevered and overwhelmed with a miasma of verbiage about encouraging art, civilising the masses, elevating taste, &c. &c.

What we really want is more reason, more common sense, more scientific method to be imported into the discussion of art questions. It would appear to be most amusingly assumed that the merit of a Paper upon the Fine Arts is not that of deciding any question, but in the ratio that it affords opportunity for disagreement. Art is regarded as a battle-ground upon which any one can fall in as a combatant, but upon which no decisive victory can ever be gained. If one of the contending hosts is vanquished and exterminated to-day, there is no wail of regret, for even the victors know that their opponents will revive and fight the battle over again to-morrow, with an entirely opposite result. The public talk and talk about art, and art remains just where it was. Over and over again men discourse from the platform upon art-topics—any one is supposed to be capable of doing this; but after convicting themselves of utter ignorance on the subject to those who really do understand art, they sit down amidst thunders of applause—every

one is appeased and every one is satisfied that art is making tremendous strides.

Immense good would doubtless accrue to the fine arts if the relation of painting and sculpture to architecture in the Grecian and Italian epochs were to be carefully studied in this country, for the public might at last come to discover that in the great art times the three arts were invariably associated. They might even learn this if they intelligently observed the vast remains of Grecian and Italian art. Painting pictures for frames and making bits of sculpture for nowhere in particular is quite a modern practice, a practice which has gone on increasing since the decadence of Italian art. In the great days painting and sculpture formed a part of a great whole together, bonded as pedestal and capital in our analogue, the Corinthian column. In those days the painter and sculptor had generally to design a series of works illustrative of some leading idea; this taxed the artist's power of invention and of adapting his works to given conditions; and tended not only to develop the artistic faculty in its higher aims, but in its subordinate; for the same spirit of adaptation to purpose was extended to the furniture, ornamentation, and decoration. Hence it was that in Greece and Italy the spirit of art leavened the manufactures, or, to use another simile, transmuted the baser metals and even clay into gold with its wondrous alchemy. That was the way in which the great art developments were effected. The public has been told this over and over again, but without having made the least impression upon them, without having in the slightest degree overcome their apathetic inertia.

We misapply our resources. There would be not the slightest occasion for the State to take thought about art education, if the public would only insist upon the money devoted to art schools being spent on great public buildings, in which the three arts should be imperatively associated. The artists themselves would see to art education much more efficiently than the State, as they did of old. We insist on beginning at the wrong end and upon throwing money away when a third, or a half, of the amount properly and directly applied would produce glorious results, and remove the question of, What is the relation of painting and sculpture to architecture? from the sphere of public discussion.

DISCUSSION.

The PRESIDENT (Viscount Powerscourt) said that one of the best places in Europe to find examples of the combination of sculpture, archi-

tecture, and painting was at Genoa, where, particularly in the portals of the Palazzo Roffo, some good specimens might be seen. In modern times painting had perhaps been employed more in France than in any other country, and a very fine specimen of the combination might be found in the Church of St. Vincent de Paul in Paris. As had been said in the first Paper, this combination had also been employed in the Houses of Parliament and at the South Kensington Museum; but he did not think this branch of art was anything like sufficiently employed. There was a specimen of that art in a church not very far from them, the authorship of which he believed was due to the director of the National Gallery, Mr. Doyle, a church at Cabra. It always struck him to be a great mistake in all the public buildings and architectural elevations where there were niches and places where statues might be placed with advantage, to find that these adornments were conspicuous by their absence. The French did these things in a much more complete way than we did, and we did not see in their public buildings that baldness and absence of sculpture which was so remarkable in our own buildings. When they undertook a public building they, as Mr. Cave Thomas had so well said, went through with it and decorated it with painting and sculpture. They might take as an example the great quadrangle of the Louvre. How bare and desolate that great square of buildings would look if it were not for the enormous number of statues and bas-reliefs which decorated it and added to its dignity and beauty. He had himself had some little experience in the relations of sculpture to architecture. Some years ago he became the possessor of two very fine bronze statues of the cinquecento period, and Mr. Penrose, the well-known architect, designed for him a *perron* or an architectural flight of steps to enshrine these two statues. This was a very successful work, and it might be seen by any one who chose to come to Powerscourt. The two bronze statues belonged originally to the Duke of Litta, and were in his Palazzo at Milan, whence they came into the possession of Prince Jerome Napoleon, who placed them in the Palais Royal at Paris. They were saved from the burning of the building in the time of the Commune in 1871, and sold in London to the speaker. These were very remarkable, as so many of the works in bronze of the cinquecento period which existed in Italy were melted down and cast into guns during the wars or revolutions in that country, and very few of them remain. There was another thing to be remarked in our public buildings where sculpture was employed, which was, that the statues were seldom large or bold enough for their positions. The reason of this was because the statues were considered by the architect and his critics upon the plan or design, too often without considering the height at which they would stand from the ground, and, therefore, although they would appear quite correct on paper, they were in reality too small, considering the distance at which they were placed from the eye of the spectator. There is a remarkable case in point in the new Government Offices in Whitehall, which are surmounted by a statue of Queen Victoria, with other figures flanking the central one. Any one who looks at them from the street must be struck by the feebleness and want of proportion to the elevation of the building. The best instance he

could think of, of the contrary effect, where the statues on a building held their true importance in relation to the building on which they stood, was the Basilica of S. Giovanni Laterano at Rome. The statues look quite right in proportion from the Piazza before the church, but it had struck him very forcibly, on looking at Rome from a distance, such as from Tivoli, how absurdly out of proportion those same statues looked, so much too large for their place; but the architect knew that to give the proper effect and to make them *appear* in correct drawing and proportion, he must allow for the distance from the eye, and make them *really* out of proportion, *that they might seem correct.* The same thing may be seen on the stupendous façade of St. Peter's. These great buildings were not considered only on paper, but the genius of the architect was lent to the general effect of the actual structures viewed from all points, during their progress as works, to their completion as harmonious and unrivalled monuments of art.

Mr. THOMAS DREW, R.H.A., said his sympathies as a practical man were necessarily with the first paper. The practical question was the relation of British architecture to British painting and sculpture, and they were more interested in considering that than in how the Greeks treated it. Having had the pleasure of the intimate friendship of architects and painters in past years, he could say that the points where their harmonious working had broken down was in deciding where the work of the one began and that of the other left off. The same difficulty had been felt in the collateral relations between the architect and the engineer. The demands of the engineers had in some cases been most inordinate, and the contempt with which the engineer had treated the architect had been conspicuously illustrated in the bridges over the Thames and in some railway stations which had been made hideous. It was said the architect should be master not only of construction, but he should be thoroughly conversant with sculpture and painting. In some cases the architects had set themselves objects of study and had endeavoured to attain a knowledge of design which had not been successful. The result of this was shown in some of their churches where an eminent man like Mr. Street had given them some of the worst representations of stained glass which they ever had. The same incongruities were to be observed in sculpture. But on the other, they were told that they should not set up any pretension of knowing anything of painting or sculpture, and that they should content themselves with recommending stringcourses and parapets. He thought in all things there was a mean, and especially was it so in these matters. The architect should have a certain amount of training in figure drawing and the designs of the sculptor, otherwise he would have no means of knowing where they should be placed in the building or how to use them. It was also necessary that the painter especially should have some considerable training in architecture. For the want of this the sculptor had been a great sinner. He had been rather intolerant of the architect and had refused to recognise that he was to be trammelled. The result was that he had been isolated, and they saw sculpture set upon pedestals which were offensive to the eye and which showed that the sculptor was not able to design them. There

were some notable instances of this in Dublin. Mr. Thomas had said that architects should have no pretensions. He (Mr. Drew) entirely dissented from that, and while he admitted that the architect should have some training in figure painting and sculpture, he thought that the sculptor should be subordinate to the architect on whose judgment and skill he should lean. His lordship had anticipated him in his reference to the church of St. Vincent de Paul, in Paris, as an illustration of the successful application of painting. He did not wish to go quite so far as Mr. Statham in his sweeping condemnation of painting in perspective and scenic representation. He thought they should have some of the noblest works of art in their buildings, and he might refer to the Greek church in Paris as an instance of how panels containing scenic representations might be made to add enormously to the effect of the interior.

Dr. Phené (London) referred to mosaic and tessellated decorations as those suitable for buildings in this country. He happened to be in Munich when the grand frescoes there were just completed, and he never saw anything so brilliant, in a decorative and architectural point of view, as the *coup d'œil*. But when they were considering these modes of pictorial decoration they must take the question of climate into account, for even so far south as Munich these frescoes were already beginning to deteriorate, while, as to this country, they knew of several cases where frescoes had been whitewashed over not altogether from a religious sentiment, as was generally supposed, but in many cases because they became so unsightly. In Italy and Egypt the atmosphere was such as to cause frescoes to retain their beauty, but that could never be the case in this country where, on that ground, tessellated work was the most suitable. Of the two papers which had been read he preferred the tone of that of Mr. Statham. He agreed with Mr. Drew that it was the duty of the architect to make the settings for the paintings and sculpture, which ought certainly to be so far subordinate to the whole design as to produce the harmony of sole conception.

ART COPYRIGHT.

What should be the Condition of Copyright as regards Music, Painting, Sculpture, and the Fine Arts generally, considered in relation to the Bill introduced into the House of Commons? By Basil Field, B.A. Lond.

It may be well to state at once that this Paper neither pretends to be a defence of, nor a criticism in detail on, the clauses relating to the Fine Arts contained in the Bill of 1881. Its object is merely to invite discussion and elicit opinion which may aid to improve the Bill and strengthen the hands of its supporters before it is again submitted to Parliament.

For this purpose a short introduction will suffice. The

Legislature of almost every civilised nation has recognised the justice and wisdom of encouraging brainwork of every kind, by giving the author exclusive control for a limited period over the form in which he has expressed his thought. This exclusive control, which we call 'Copyright'—including not only the right of reproduction but the equally valuable right of forbidding reproduction by others—is the reward held out by the State for the encouragement of creative brainwork. And here it may be noticed that copyright, unlike patent-right, concerns itself only with the *form of expression* of the thought or idea, and not with the thought or idea itself. The most original idea once communicated by its author is, as far as copyright is concerned, as much the common property of mankind as a passage in history or a scientific truth. Anybody is at liberty to make any use of it he pleases, so long as he does not copy, repeat, or colourably imitate the form in which it was first expressed, be that form a particular sequence of words or musical notes, the shape in which marble is hewn or clay moulded, or an arrangement of colours on canvas. In the same way, though the thought or subject matter be not original, the form of expression will still be protected. The facts and order of events related in Macaulay's 'History of England,' or the incident depicted in Herbert's grand fresco of 'Moses' (for instance), are open to all; but the mode of telling the story, and the individuality of the work, are still protected. It would be unnecessary to dwell on this were it not that certain inaccurate writers have confused copyrights with patent-rights, and abused both as monopolies, to the great injury of the former. It is not only possible, but it not unfrequently happens, that two scientific men in the same field of research, and working from the same known data, make the same chemical discovery or mechanical invention at nearly the same time. The first patents his invention, and perhaps from want of funds, or for some other reason, does not work his patent usefully to the public. Nevertheless, he has secured the idea, and prevents competition. This is a monopoly injurious at once to other inventors and to the public at large.

But can two men independently write the same book or paint the same picture? Except in the case of a compilation rather than a creation—for instance, of a directory or a table of logarithms—it is scarcely conceivable. Where, then, is the monopoly in an author or artist having control over the multiplication of a work the very existence of which depends upon his will alone? The term, the conditions on which copyright can be enforced, the mode of assignment and the form of

legal procedure for its enforcement differ, but in all countries the same great principle underlies legislation, viz. that the author should reap the full fruits of the product of his brain. If the period of protection be too short, or if the conditions upon which it is dependent be too onerous, the inducement to produce work requiring great preliminary study and research is thereby weakened. Even the strongest opponents of copyright, amongst whom are men whose opinion cannot be lightly passed over, have recognised this principle, and, while advocating free trade in publication, desire to make the right to publish dependent upon payment in the form of royalties to the author. There is without doubt much that is attractive in this suggestion. It would render prices so high as practically to be prohibitive to the masses impossible. It would probably curtail publishers' profits, and be the means at once of saving the pocket of the reader and filling that of the author. But on the other hand, as the author has power to withhold his work from the world altogether, why should he not have the right to publish it in any limited form he pleases? The world is the gainer *pro tanto*, and has lost nothing it could have gained without the author's consent. It may be that the limited publication does not pay the author so fully as a wider circulation of his work would do. Possibly so, but it may be that he, like Charles Lamb, has a positive horror of double columns, bad paper, and small print; and how is the value he sets upon wider margins and folio editions to be assessed? Of course an author over-sensitive on this point would be under no obligation to publish his work at all; he might turn his attention to some other useful and congenial pursuit, and if it were thought that the reduction in price of many works would more than compensate for the loss of a few, and that an enactment in this sense would be for the benefit of the community at large, nothing could be justly urged against abolishing copyright and substituting a system of royalties. This, however, could apply only to books, printed music, photographs, and other works capable of mechanical or chemical reproduction, and by no means to works of fine art properly so called. It must be remembered that although the loss sustained by the author and his publisher may ultimately and indirectly react on the reading public, the latter are directly benefited by piratical cheap editions. The eye may be offended, but the intellect is as well satisfied by a 'Tauchnitz' smuggled in dirty linen, as by an 'Edition de Luxe' bound in the best Russia leather. Not so in graphic or in plastic art—there the spurious copy or imitation is a direct loss to the purchasing

public, an indirect and secondary loss only to the author to whom it is attributed. This leads to the consideration on public grounds of a question that has been too often debated on the assumption that it concerns the private interests of vendor and purchaser only; namely, upon the sale of a painting or drawing, to whom in the absence of agreement should the copyright in the design thereof belong—to the artist or to the purchaser? Putting aside for a time the conflicting claims of the individual parties to the contract for the sale of the work, it is clear that the public interest demands that the artist should have the copyright. It is for the public benefit that fraudulent copies and spurious imitations should be repressed. It is therefore for the public benefit that the power and inducement to repress such copies and imitations should be in the hands of the party best able so to do. Who can best repress such frauds—the artist or the purchaser? This question is easily answered, the purchaser, unless he be a dealer—in which case he is a mere conduct-pipe—or a publisher—in which case he will have contracted specifically for the whole copyright or for the right of engraving (a state of facts not now under consideration)—knows nothing, as a rule, of the fraudulent art productions of the country, of the sales that take place in provincial towns. His business keeps him in another atmosphere. He looks on art as a relaxation only. The ownership of the work of art may even be vested in an infant, a married woman, the trustees of a marriage settlement, or the committee of a lunatic. The owner may never even have seen the work itself. It is extremely unlikely that the bare information furnished by a catalogue would lead such an owner to infer that a water-colour drawing, we will say, offered for sale at Liverpool, was a colourable imitation of the design, and therefore an infringement of copyright, in a painting which had hung for years in a country house in Cornwall. And if it did, what inducement would there be to prosecute? The artist, on the contrary, ever watchful to see what prices his pictures command, in constant business relation with dealers jealous of each other, with art publishers and auctioneers, with frame makers, and his brother artists, is much more likely to hear of any suspected fraud. He knows at least whether he has ever painted a work of the size and nature described. He often knows in whose possession the only work answering the description is, whether it is likely to be in the market or not. He is at once the best detective and the best witness as to the authenticity of the work. He is already sensitively jealous of his fame; give him only the power and

the pecuniary interest to prosecute, in other words, give him the copyright in his work, and you have the best possible guarantee against fraudulent art productions. Again, the encouragement of engraving is of the first importance from a public point of view. A knowledge of the grandest works, engendering a love of beauty and refinement of taste, is diffused through thousands of homes by means of the graver's art. Who but the privileged few would know Turner and Landseer, save by the faithful and reverential work of their translators, corrected and often touched upon by the masters themselves? If the copyright be with the artist he will gladly consent to his painting being engraved, as engraving spreads his fame, but for his reputation's sake he will stipulate that the work be well done. He knows who best can render his design in black and white, and will, if necessary, insist that the proofs be submitted to him for correction before publication. What is the result? The public have a good engraving.

Now suppose the copyright to belong to the purchaser. Let us suppose him to be a man of liberality and taste, desirous of having his picture well engraved that others may share the enjoyment he derives from it. Not to dwell on preliminary difficulties, suppose him to have got his plate well worked, and his impressions pulled off by competent men. Nevertheless he cannot profitably sell. The retail dealers fear to buy. He is not a member of the Printsellers' Association. His proofs may be all he pretends, but lack the embossed stamp which will alone satisfy their customers. There is no guarantee that proofs in excess of the number declared have not been struck off. There are other difficulties which it is unnecessary to mention in detail. It is acknowledged by those most conversant with the business of art-publishing that a non-trader cannot profitably publish an engraving. It is certain that the professional publisher can more successfully do so when the copyright is in the hands of the artist, whose co-operation he would in any case seek, than when it is vested in an unknown private purchaser, to whom he would probably have to seek an introduction through the artist. It is clear therefore that the encouragement of engraving is fostered by the copyright remaining with the artist.

So much for the public interest. Now let us examine the conflicting claims of the artist and purchaser of his work. The case may be stated thus: A painting has two distinct valuable qualities capable of being severed and assigned as distinct properties: the painting itself, as a thing of beauty, and the design embodied therein, as a source of reproduc-

tion by engraving or otherwise. Should the mere sale of the painting itself, which is only one of many possible embodiments of the design of the artist, without special bargain or further price paid, carry with it as a matter of course the sole right of reproduction for profit in every known form of art to the exclusion of the artist himself? It will materially aid the consideration of this question, one of vital importance to artists and to art generally, if we glance at one or two analogous cases. First take the case of lectures. The author of a lecture (unless it be delivered in any university, public school, or college) does not, by reason of his receiving money for the delivery of the same, lose his sole right of publishing it in printed form. Next take the case of a musical composition. This also has two distinct values; one as a source of profit to be derived from its publication and sale as a printed work; the other as a source of profit to be derived from its public performance on the stage or in the concert room. The assignment of the copyright in such composition does not convey to the purchaser the right of public performance. In the same way the assignment of copyright in a dramatic piece does not convey the right to perform such piece upon the stage. In all these instances it will be seen that the Legislature has jealously guarded the author from unwittingly parting with any source of profit that may be derived from his work. The case of engraving is even stronger. Although an engraved plate is worthless except for the purpose of producing impressions, yet the purchaser does not by reason of the ownership of the plate acquire the right of taking impressions from it. Each of these cases has a more or less direct bearing on the question we are to consider, but of all branches of art sculpture is most nearly allied to painting. Let us now examine the law of copyright as affecting the plastic art. The principal Act dealing with copyright in works of sculpture was passed in the 54th year of the reign of George III. It vested copyright in the artist so securely that he was unable to part with it on the sale of his work, nay, even on the execution of a portrait on commission, save by deed attested by two witnesses. This Act was faulty and defective in many respects, but although sixty-seven years have elapsed since it became law, the only complaint made on the point we are now considering came from the artists themselves. They objected to be unable to assign their copyright otherwise than by the cumbersome and expensive means of a formal deed. Accordingly, in the year 1850, this condition was to some extent relaxed, and sculptors who chose to register their works and to comply with

the formalities prescribed by the Acts relating to the 'Copyright of Designs' were enabled to transfer their copyrights by means of an entry in the register. With the formalities prescribed we have no present concern. The important fact to remember is that the Legislature, after upwards of thirty years' experience of the working of the Sculpture Acts, solemnly confirmed the principle that the artist on the sale of his work should not part with his copyright therein otherwise than by a distinct and deliberate act of his own; and such is the law at the present time. It is scarcely surprising, then, that painters, who till 1862 had no protection whatever for copyright in their designs, imagined that the Legislature would be willing to place them in no worse position than their brother workers with the chisel. Not a few artists are dexterous in both graphic and plastic art. Among such the many-gifted President of the Royal Academy of Arts is a conspicuous example. It is surely almost an accident whether such a man first expresses his design in marble or on canvas. Can there possibly be any inherent property in the material or vehicle employed to give his conception visible form that should affect the normal ownership of the copyright therein? This seems so absurd that some other reason must be sought to explain why Parliament, that had throughout shown the greatest anxiety lest the sculptor should heedlessly part with his copyright, should in the case of the painter have clogged copyright with a condition so onerous as practically to make its retention in most cases impossible. The reason is not far to seek. It will appear in the history of the Fine Arts Copyright Act of 1862, which is briefly as follows: The painters, acting on the assumption that they would be no less liberally treated than the sculptors, sought the aid of the Society of Arts, and prepared a Bill which had the support of Lord Palmerston (who was then Premier), who characteristically remarked, on the provisions of the Bill being explained to him, that the existing law appeared to stand thus: If a man expressed his idea in black marks with a pen upon paper, he had copyright; but if he expressed the same idea with a brush upon canvas, he had no copyright. The Bill was introduced by the Attorney-General as a Government measure. It declared that the copyright in the design of a work of Graphic Art should be vested in the author and his representatives for the term of his life and seven years thereafter, and that such copyright could only be assigned by a written agreement. Unfortunately for the painters, photography was included in the Bill and treated on the same footing as Graphic Art. This gave rise to great opposition when

the Bill was considered in the House of Commons. It was thought that if the copyright remained the property of the artist after he had sold his picture, the right of reproducing a photographic portrait would equally remain with the photographer. It was feared that a man giving a commission for the portrait of his wife or daughter might be powerless to prevent photographs of such portrait being exhibited in the shop windows or hawked about the streets. It was suggested that if the artist retained copyright after parting with his painting, he might in the case of an exceptionally popular picture repeat it many times, and thereby depreciate the value of the original by reason of its being no longer unique. These difficulties led to the adoption of hastily considered amendments inconsistent with each other and with the main object of the Bill.

The provisions of the Act, so far as we are at present concerned with them, may be thus summarised: The author of any original painting, drawing, or photograph has the sole right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or such photograph and the negative thereof, by any means and of any size, for the term of his life and seven years after his death. But if the painting is painted on commission, the commissioner has the copyright. It is then provided that on the first sale of such work of art there must be a written agreement, signed by the purchaser, reserving the copyright to the artist, or signed by the artist or his agent transferring the copyright to the purchaser; and if no such agreement be made the copyright ceases to exist. This is the law at the present time, and it is admitted on all hands to be unsatisfactory. It will be seen that not only the reservation but the preservation of copyright in all but commissioned works is thus made dependent upon the execution of a written contract at or before the first sale. From the minutes of evidence taken before the Royal Commission on Copyright, it would appear that such a contract rarely exists, and that many copyrights of great value are in consequence lost. The reason of this would appear to be that although art publishers invariably buy the copyright in pictures they wish to engrave, not one private purchaser in a hundred knows or cares anything about it. If, however, it is mentioned by the artist, and a formal and stamped agreement is produced for signature, the purchaser thinks that something of value is being reserved which ought to be his, and hesitates to complete the purchase.

The struggling artist whose means of subsistence too often

depend upon the ready sale of his picture, dares not run the risk of jeopardising the sale of his work for the sake of retaining a copyright the value of which is purely speculative, and it seems that even painters of assured position feel such difficulty in broaching the subject that they prefer to sell their works through dealers, from whom they can easily get the necessary contract for reserving their copyright. In which case the result is that the purchaser often buys at a price increased by the dealers' profit that which he would have been unwilling to buy direct from the artist, namely the picture without the copyright. The evidence further shows that, in the case of works executed on commission, where the copyright is vested in the commissioner by the mere action of law and without any contract, the latter cares so little for the copyright that he takes no steps to protect it by registration, and on subsequent sale of his picture rarely assigns it. The result is that many valuable copyrights are lost or vested in persons who have no interest in them. It is easy to see the opportunity offered by this state of things to copyists and imitators, nor are they slow to take advantage of it. We are told of the register being searched by the unscrupulous that it might be ascertained what works could be copied with impunity.

The Royal Commissioners, commenting on this state of things in their Report, say it is clearly undesirable that copyrights, which are in many cases of great value, should be in this way left free to piracy.

They then seek for an owner for these lost copyrights, and while evidently sympathising with the artist and feeling that they are taking a new departure and treating him less liberally than other producers, they, or rather a majority of their members—for there was a division of opinion on the subject—feel constrained, for the reasons already mentioned as having led to the amendment in the Act of 1862, to recommend that in the absence of agreement the copyright should on sale pass to the purchaser of the painting.

The artists have since, in a memorial presented by the Royal Academy to the late Government, shown that the difficulties anticipated may, in their opinion, be met in a way less injurious to their interests: that all dangers of replicas and repetitions of portraits may be guarded against without depriving the painter of his copyright.

The Bill of 1881 has been drawn upon these lines, and it is satisfactory to find that while the object the Royal Commissioners had in view has not been lost sight of, the Bill in its present form has not only the universal approval of the

painters, but the active support of the Printsellers' Association, a society comprising amongst its members the largest art purchasers in this country, who have petitioned in its favour, considering from a purchaser's as well as a publisher's point of view its provisions to be advantageous to the public as well as to the artist.

The framers of the Bill have been most careful that it should be in no way a one-sided measure. While following the general principle upon which enactments have been framed dealing with copyright in other branches of art, and giving the painter his copyright until he chooses to part with it, they have at the same time protected the purchaser against replicas, and the owner of a commissioned portrait against its repetition in any form of art. They have also provided that the owner of a work should have concurrent right with the painter or other owner of copyright to institute proceedings for infringement.

In the same way, when dealing with musical compositions and dramatic works, though the measure of damages for the infringement of performing rights has been increased, a provision is inserted that only one sum shall be recovered in respect of the same performance, thus practically limiting proceedings to an action against the responsible manager—instead of allowing the owner of the right to recover a sum of forty shillings from each and every of the subordinate actors, musicians, scene-painters, and carpenters, as by existing law he is empowered to do.

While on the subject of penalties for the infringement of performing rights, it should be mentioned that the promoters of the Bill have, since it was drawn, come to the conclusion that the summary powers for the enforcement of these penalties should not apply to musical compositions, as is now the case, but only to dramatic works. It appears that by an abuse of the spirit, if not of the letter of the law, ladies and others who have unwittingly and in ignorance sung copyright songs at penny readings, or other charitable entertainments, have been summoned before magistrates and fined forty shillings. The Royal Commissioners, commenting on this, propose that every musical composition should bear on its title page a note stating whether the right of public performance is reserved, and the name and address of the person to whom application for permission to perform is to be made, and recommend that the owner of such composition should only be entitled to recover damages for public performance when such a statement has been made. If, however, the copyright and performing right are vested in different persons, it would be unjust that the

owner of the performing right should be dependent for the protection of his right on the act of another, over which he would have no control. Another suggestion intended to meet the difficulty was that an exception should be made in cases where the performance was given for the benefit of a charitable object, and not for private gain; this was, it need hardly be said, at once rejected. Who would for a moment seriously think of asking Parliament to enact that the theft of fruit, for instance, should be exempt from punishment if the thief could prove that he intended not to eat the fruit himself, but to give it to a sick child in a hospital; and is not the fruit of a man's brain as worthy of protection as are the fruits of the earth? Again, should not the composer have some voice in the selection of the charity to be benefited by his work? Many eminent musicians have been Jews. How would one of these like his work to be appropriated for the benefit of the Society for the Promotion of Christianity amongst the Jews? This clearly would not do. Luckily on investigation it turned out that neither composers nor music publishers cared to retain this power of summary proceeding. They considered public performance of advantage to them as an advertisement of their works, and were quite content with the remedy furnished by an action at law in the case of serious infringement. It appeared also that the harsh proceedings complained of had been instituted neither by composers nor publishers, but by an individual who had bought the performing right in several popular songs, and who lived upon the penalties he could extort. Under these circumstances the promoters of the Bill consider that it will be best to confine the application of this clause to dramatic works, and to leave infringements of musical performing right to be dealt with by action for damages. It is impossible in the limits of this Paper to touch on many other points of interest. The question of painters' copyright has been dwelt upon at some length, because it is the most important point upon which the framers of this Bill have differed in opinion from the majority of the Royal Commissioners. On most other points the spirit, if not the strict letter, of their recommendations has been followed.

DISCUSSION.

The CHAIRMAN (Mr. Hastings, M.P.) said the subject was one of particular interest to himself, inasmuch as he was the member of Parliament who had had charge of the Bill introduced to carry out the

recommendations contained in Mr. Field's Paper. He was sorry the attendance was so small because he was sincerely desirous of hearing both sides of the question argued, and especially of knowing what the artists themselves had to say. Mr. Field's paper was worthy of especial attention because he expressed the views of the Royal Academy, and because he was the solicitor in whose hands the preparation of the Bill promoted by the Law Amendment Society was placed. There could be no doubt that the Royal Academy would never be satisfied until some change was made in the law. There might be, of course, cases in which men of high character and great intelligence had special interests of their own to serve, which special interests might be in opposition to those of the public. If that was so, it was right that the interests of the public should prevail against any special interests; but the contention of the artists was that their interests were commensurate with those of the public in this matter of copyright, for if those who produced works of art were not satisfied the production of art was discouraged and so the public suffered. He was well aware that the majority of the Royal Commissioners who last reported on this question were opposed to the view which was embodied in his Bill, *i.e.* that the copyright should remain with the artist even on the sale of the work unless there was a special agreement between the artist and the purchaser. He knew that a majority of the Commissioners were opposed to that view; but there had been many cases in which Commissions had been divided, and the view of the minority had become that of the majority. We had in these matters not only to count heads but also to weigh the value of opinions and to consider the evidence on which they were arrived at. That portion of his Bill which embodied this suggestion would no doubt be keenly contested if ever it came on for discussion. But he should be free to consider what the evidence was on which these conclusions were arrived at, and who were the persons who were supporting the proposed alteration in the law. The view of the majority of the Commissioners, so far as he could gather it, was that the interests of the artist were less involved than the interests of the public in the matter. But the Royal Academy was not the only body that had petitioned in favour of this Bill; the Society of Painters in Water Colours had done the same, and also the Printsellers' Association, who certainly might be supposed to represent interests exactly opposite to those of the artists. If it were true that any real interest of the public was served in compelling the artist to part with the copyright when he parted with a painting, surely the printsellers of all persons in the world would be interested on the other side. But they had supported his Bill by petition, and Mr. Agnew, who was by far the largest dealer in works of art in this country, was also a strong supporter of the Bill, and had promised to allow his name to be put on the back of it on its reintroduction. Therefore it might be safely concluded that a considerable section of the public, and that section the one that most understood what the interests of the artists and of the public were, was just as much in favour of the Bill as were the artists themselves. Since the Act of 1862 was passed artists had never varied in their opinion as to what the law ought to be. Before

the passing of the Act it might possibly have been argued that they did not know what the result of another state of law would be; but there was now the experience of nearly 20 years, and during the whole of that time the Royal Academy had adhered to its opinion and had steadily petitioned the House to deal with the evils which resulted from the present state of the law.

The Hon. D. DUDLEY FIELD (New York) said his consideration of the question of copyright had been more from an international point of view than any other. He had always maintained that the right of an author was as sacred a right as that of the possessor of any other kind of property, and it was not a right which should depend on the country in which he lived. If he had written a book, or produced a work of art, it should be guaranteed to him in England as well as in his own country, and an Englishman should have the same right in America. He deplored the state of things which had arisen during the past few years by the piracy of English books in America. In regard to the particular question under discussion—the copyright in works of art—it seemed to him that the observations of the Chairman (Mr. Hastings) were entirely satisfactory. He did not see why the artist who produced a statue should, by selling that work to a gentleman for his own house, part with any other right that he had. He would give to the proprietor and the artist all their rights, and he would strain a point and make the purchaser's possession of the work as little injurious to him as possible; but if the artist did not wish to dispose of the right of reproduction, he did not see why the transaction should carry more than the property agreed upon.

The CHAIRMAN, interposing, said an artist painted a picture which had a certain value as such. There was also an enormous value in the right of reproduction. He maintained that an artist had a right to say, 'If you buy that picture, my price is 3,000 guineas; but if you want to engrave it and sell it to the public, the price is 6,000 guineas.' If he was unable to do this, he was unquestionably deprived of something of substantial value.

Mr. FIELD said in that respect he entirely agreed with the Chairman. He did not see why the artist should be assumed to have parted with his right to engrave merely because he sold the picture as a work of art. Alluding to the author of the Paper, he was glad to notice that that gentleman inherited his father's taste and love for art, and he was pleased to find that as solicitor to a public body he had been able to render such service to art and to the community. It was of the highest value to the community that art should be cherished, and for that purpose they could not do better than give encouragement to the artist. It was not merely that they wanted to reward the artist, but by so doing they encouraged others to follow in their footsteps. When the artist sold his picture he should have the right of reproducing it in any other form as a representation of beauty, and an instructor and teacher of what beauty was. He held that the right to every product of the mind was as sacred as that which was in anything produced of a more material character. If he built a ship it was his; the right was allowed with anything of more material value; but something

which came from the brain, which might last for ever, and which might instruct mankind through all ages, was more entitled to protection, and it should be the proper aim of society to afford that protection. The aim of different countries, again, should be to allow each person, wherever he was born, the right to a property in that which he himself had produced, and which, but for him, would never have existed in the world.

Sir THOMAS JONES, P.R.H.A., desired, as representing the large body of Irish artists, to say that they cordially and unanimously approved of the Bill of 1881. As the law at present stood, if the artist did not make a special agreement with the purchaser of his work reserving the copyright, it went to the purchaser. But if they presented a document to the purchaser of a picture with the view of reserving the copyright, it was possible that he would hesitate, and, thinking that something valuable to himself was being held back, he would probably refrain from completing the purchase: that he considered a very unfair condition of things. If the presumption of law was the other way, the right would continue in the artist, and if a purchaser wanted to engrave a picture he would have to pay an additional price for the copyright. An instance of the hardship of the present law had come under his own knowledge. When he was beginning his profession he made a small study in water-colours intending to paint from it a picture on a larger scale for exhibition. A gentleman visited his studio and saw this sketch and expressed a desire to have it. He agreed to allow him to take it for eight guineas, as at that time the sketch contained only a study of the head of the principal figure. He commenced his large oil picture then, but the pressure of other engagements rendered him utterly unable to complete it in time. Not wishing, however, to be unrepresented in the exhibition, he finished highly his original sketch, adding another figure, and sent it in. It had only been seen on the opening day when he was offered 50*l.* for it. He wrote to the gentleman explaining the alterations made in the sketch, telling him the offer he had had, but leaving it to his honourable feeling to either release him from the agreement or give him whatever sum in addition to the eight guineas he might consider reasonable under the circumstances. The answer was that the picture was the original sketch still, and he, the purchaser, should hold him (Sir T. A. Jones) to his bargain, with a threat that if there was any difficulty he should put the matter into the hands of his solicitor. Some of his legal friends advised him to resist and promised to assist him gratuitously in the matter; but being at that time a young man commencing his profession, he thought on the whole it was not desirable to move further, and at the close of the exhibition the picture was sent to the gentleman. Meanwhile a London publisher saw the picture and fancied an engraving of a portion of it would prove a successful hit. He obtained the copyright—whether gratuitously or for a handsome consideration, he, Sir T. A. Jones, could never learn, but from what he knew of the owner he was inclined to believe the latter. The picture was sent over to London and placed in the hands of a first-rate engraver, and the publisher afterwards boasted that he had cleared 2,000*l.* on the sale of the engraving. But the

injustice did not end there, for the year following he met a gentleman in London, at a club, who told him he had just dined at a house where he had seen his picture, the one in dispute, and that it was greatly admired—the host saying that though he had paid a high price for it, 80*l.*, he would not part with it for double that sum. Now, as the speaker knew that the original was still in Ireland, he could only conclude that the publisher had, in addition to engraving the picture, procured a copy while the picture was in his possession, which he sold to such advantage as the original. That was an illustration of what an artist might suffer from the present state of the law, and it was a good illustration of the necessity there was for having their rights protected in some way or another.

Mr. W. B. Martin (Dublin) failed to see how anything that could be incorporated into Mr. Hastings' Bill could cover the right to a musical copyright in a performance. He quite agreed with the author of the paper in what he had said about dramatic authorship. The dramatic author should be protected in his right of representation, and for the reason that the publishing right in his plays was almost valueless, whereas enormous sums were paid for the right of representation. But there was a question of the right in musical works not intended for scenic display, which was on a different footing. They were all aware of the persecution to which people had been subjected who had unwittingly infringed these performing rights. They had never been carried out by the publisher, but by a person who had managed to get these rights into his hands. He thought it would be better that these performing rights should be done away with entirely. His impression was that the more a work of musical art was made known the greater would be the demand for the publication itself. This was shown in several recent instances, and that fortunes had been made by publications simply because of the public interest in hearing them.

Sir Robert Stewart (Dublin) said it had always appeared to him that a piece of music published in England was something like a piece of cloth which had been cut into shape and made up into a garment, but which garment the purchaser was not able to use until he had first satisfied the farmer whose wool was used and the dyer who had subjected the stuff to his manipulation. The practical result was that the cloth was useless. The present system of musical copyright struck at the very root of art production, and the only wonder to him (Sir Robert) was, how it had come about—how such a state of things had been permitted to exist for so many years. A somewhat curious state of affairs had arisen in the course of his own experience. Soon after Mendelssohn's death in 1847, his 'Athalie' was published, a posthumous work, of which the chorus parts were issued to the public, and sold to the University of Dublin Choral Society, which he conducted. They prepared to perform the work, and with that object in view the whole matter was arranged, the soloists engaged, &c. They received, however, a letter from a solicitor threatening them with an action, although no books were sold, if they printed the words at all, even for gratuitous distribution! The consequence was they hit upon the expedient of indicating, in a prose commentary, the general sense of the work. Sir

Robert also drew attention to the transactions of the Musical Association of London, a body established seven years ago, and which had this very year discussed this subject fully; especially would he call attention to a paper read there recently, by Mr. Meadows White, Q.C., drawing attention to this subject, *à propos* of an incident which was there recorded. At a musical entertainment for a benevolent object, one of the performers had, without any communication with the managers, or others concerned, responded to an encore by singing one of these copyright songs in a manner which elicited many compliments from the local newspapers. The result was that actions were commenced against all parties concerned, singer, accompanist, managers, &c. This was only one illustration among many which might be given, of the very great hardships consequent upon the present state of the law of copyright in these Islands.

The CHAIRMAN replied that the opinion of the authors of the Bill was that these summary powers of levying a fine should be done away with and that the remedy should be by damages in the county court. This would render it much more unlikely that they would be used for purposes of oppression as they had been. Then it was still further proposed that no remedy at all should be provided for these infringements of copyright unless the name of the owner of the right was printed on the piece. In that way any one who was desirous of using the piece would have the means of ascertaining whether he was permitted so to use it. He did not say that this provision would entirely abolish the grievance, but it would go a long way towards meeting existing abuses. The committee of the Society which sat upon this subject were inundated with cases of the most abominable hardship which had occurred under the present state of the law. He did not think there would be any difficulty in embodying these provisions in regard to musical copyright with those affecting art, for the Bill was not only an amending bill, but it was also a consolidating bill. He had always been in favour of a consolidation of the law. One of the greatest difficulties at present was that the law was nowhere to be found. Much of it was embodied in case-made law and in the decisions of the Judges, and one of their objects was to place the whole of the law in one single enactment, so that any one who wanted to know what the state of the law was would be able to turn to the Act and see what the provisions really were. There was no difficulty in placing these two matters in the Bill, and so long as they were kept distinct the matter would be clear enough. He was obliged to those who had been good enough to come into that thinly attended meeting of the department and to express their views on the subject. He should certainly take care to bring Sir Robert Stewart's observations, together with those of Mr. Martin, under the notice of the framers of the Bill. They must, however, always remember that among the many blessings of a free government there was one misfortune, and that was, they could not always go as far as they would like, and that they must move in the direction where there would be least resistance to legislation. He was very much afraid if they were to attempt to abolish the right to a copyright in public performances they would excite opposition in certain

quarters. As far as he was concerned, if they would abolish it to-morrow he should be very glad of it. He thought the Bill had in some respects a good chance in another session. Of course any bill brought in by a private member was always weighted with a disadvantage, and time was against it. On the other hand, he was glad to say that the Prime Minister was interested in the measure, as he had long since told him he was one of the oldest members of the House who had taken an interest in the question of copyright; he having taken part in the great duel between Macaulay and Talfourd on the subject of literary copyright. Mr. Gladstone had written a letter to the Attorney-General requesting him to give his best attention to the Bill and to afford all the support he could when the question came before the House of Commons. The Bill did not therefore rest solely on the ability of a private member to pass it, and the aid which they might expect from the Government of the day might turn the scale in passing it. He was convinced that if authors were to receive that justice which they ought to receive some amendment in the law must be made. At the present moment it was so obscure and complicated that it was difficult to know what it was. He thoroughly agreed with his old friend Mr. Dudley Field that there should be an international copyright between the civilised countries of the globe. But he thought their first duty was to see that their own law was upon a wholesome basis, for then they could go with a better grace to other countries and seek to have things put on a better international footing.

MUSICAL EDUCATION.

By what means can National Education in Music best be promoted? By Sir ROBERT STEWART, MUS.D.

IT is now twenty-four years since, upon the establishment of the Social Science Congress, its inception was hailed by Robert Owen, of New Lanark (one of the most remarkable men of those days, and who perhaps approached as nearly as possible to the ideal of a philosopher), as being 'the first time in the history of man when the door was widely thrown open for the admission of truth upon subjects of the deepest interest to humanity.'

It certainly forms a corrective to these glowing words spoken by Robert Owen in the presence of men like Lord Brougham and Lord John Russell, to find the meetings described from another point of view by his biographer, Mr. Wm. Sargant, as 'the making of speeches, and self-glorification.' I hope to steer a medium course, and whilst I try to make way (as Owen said) for the admission of some truth, upon a subject which interests us all (for Music, of all the arts, boasts the

greatest number of disciples), I was, on the other hand, so far from wishing to make speeches, or deal in self-glorification, that having at first declined the task of addressing you, I did not consent to take part in to-day's proceedings until pressed to do so by your Council.

To discuss Music as a whole would demand a longer period than this Congress would be willing to accord to any single essayist or speaker. It might be classed under the heads of Historic, Scientific, and Social Music, which again might be subdivided more or less minutely. Before, however, proceeding to topics so exalted, we must come to something more practical than an Art discussion.

It is difficult to measure Æsthetics by the yard, or to weigh Progress by the pound. Even in these days of returning Protection, most people think that the development of trade may be safely left to individual energy and the instinct of wealth-producing ambition; but Art, as the history of the world shows, has always needed the encouragement of those who are not only enlightened, but wealthy and powerful also; witness that effectual encouragement of the art of painting by the generous *bourgeoisie* of Holland in the palmy trading days of the Low Countries, to which we owe the grand works of the Dutch School; while the support of Handel by the Duke of Chandos—of Haydn by Prince Esterhazy—and of Beethoven by a few of the Austrian nobility, notably the Archduke Rodolph—has enriched the world incalculably; for it is to these three patrons of music that we are indebted for the 'Chandos Anthems' and 'Acis and Galatea' of Handel: for the hundred symphonies and eighty stringed quartets of Haydn; and for the mass in D, with many other of the best works of Beethoven. 'The means whereby National Education in Music can best be promoted' would involve a tolerably liberal supply of what is described as 'the sinews of war;' and I own I know of no present available means whereby this indispensable motive power can be supplied. In the United Kingdom—not to speak of Ireland—only one public body has availed itself of the powers recently granted under the 'Public Libraries Act (1855 and 1877),' to raise a rate in aid of Art, and that is the Corporation of the Southern City of Cork. As for Dublin, where we have a New Corporation, the abolition of the old one which was to have effected many improvements, seems to have failed in that one improvement which would be appreciated most of all, I mean the lightening of taxation; so that I am quite sure the proposal to raise from Dublin city taxes,

present or future, any sum like 100,000*l.* or 200,000*l.* for Art purposes, would find no seconder, and perhaps be laughed out of Court. Equally vain would be the hope that the British Government should place at our disposal for the objects advocated in this Paper, a sum of money equalling in value even one iron-clad of that costly type known as the Warrior-class. And yet, what might not be effected with 250,000*l.*, the expense of one of those ugly monsters, which a torpedo or a chance stroke from one of her own consorts is capable of sending in a few minutes to the bottom of the sea! Invested at even a moderate rate of interest, it would produce about 12,000*l.* a year. Should I incur your censure for regarding Art through the sordid medium of pounds, shillings and pence, I need not travel far for an illustration in my defence; this very Congress having in their list of preliminaries dealt first of all with the question of providing the necessary funds for your proceedings. Supposing, however, that some nobly-minded gentleman should arise—one like Mr. Henry Roe, who gave 250,000*l.* to rebuild and re-endow Christ Church Cathedral in this city—and that he should be induced to deposit even one-third of such a sum in the hands of trustees, to be expended in promoting National Education in Music; then, indeed, we might set in earnest about the promotion of the Art, which, as I said just now, might be considered under three aspects: Historic, Scientific, and Social.

The first of these might be subdivided into three: A, B, and C.[1] Letter A would include the development of Music, theoretical and practical; and its comparative progress in different ages, nations, and degrees of civilisation. This part of the subject should be handled in lectures, free to the public; premiums being awarded to students who by attention should show their acquaintance with the course; and indeed I know of no more interesting or instructive way to impart information in this direction than well-devised Historical Concerts and Lectures, similar to those held lately at Düsseldorf, where the Bach Society, in October 1879, gave specimens of every style of music, from 'Homer's Hymn to Demetrius' down to the 'Morning Song of Wagner.' Spohr's Historical Symphony, dating fifty years back, was conceived on this plan; the opening movement being written in the style of Bach and Handel;

[1] I shall not attempt to enter fully into all these subdivisions, which are here inserted to preserve the order of the subject: but shall only enlarge upon whatever bears on the main question, that of promoting National Musical Education most effectually.

the Adagio in that of Mozart; the Scherzo imitated Beethoven; and in the finale the composer endeavoured to embody his own style, together with that of Mendelssohn and other modern writers of the day (1838–39). Somewhat similar in design was Spohr's Violin Concerto, called 'Old and New,' in which the composer sought to contrast the School of Tartini, and other early writers for the instrument, with the more modern style of Paganini and the executive wonder-workers of the nineteenth century.

Under letter B should be classed 'the Growth and Cultivation of National Music, considered as to its influence upon society, and as a reflex of national character:' an interesting department of ethnology, upon which, addressing an Irish audience, I feel it will not be necessary to expatiate. I may just remark in passing on, that the late Dr. Crotch, professor of music in the University of Oxford, collected and published three volumes of musico-ethnological specimens, by which his lectures on these topics were illustrated in a most interesting manner.

Under the third subdivision, letter C, I would deal with the invention, structure, and uses of the different kinds of Instruments; and here it will for the present be sufficient to point to the Kensington collections of old instruments of music recently brought together, and to the illustrations of these given in Carl Engel's catalogues.[1] So much for the treatment of our subject from an historic point of view.

Under the head of Scientific Music, two classifications would arise: D, acoustics; and E, the physical effects of music. The first of these, lectures upon acoustics applied to the theory of music, forms a department of our subject requiring no special allusion to recommend it to my audience, the lectures promoted by the Royal Dublin Society supplying an excellent illustration of what I recommend, if utilised by prizes being awarded to proficient students, and greater publicity secured for the lectures, of whose existence many persons are unaware.

Under letter E arises the consideration 'How far the physical effects of Music may be utilised, with a view to the treatment both of bodily and mental diseases.' This is a very interesting part of the scientific phase of our inquiries. The example of Dr. Burette (born at Paris 1665, died 1747), and the members of the Academy of Sciences in 1707, 1708, and

[1] In one of these, a small eighteenpenny tract with engraved illustrations published by Chapman & Hall, 195 Piccadilly, much useful information on the subject may be found.

subsequently in 1737, having been, so lately as 1874, followed by Dr. Chomet, also a French physician. Everyone is familiar with the instances of Saul soothed by the playing of David, and of Elisha crying out for a minstrel to allay his agitation after the conduct of Jehoram towards him. The story of Farinelli, who by his marvellous singing completely cured the king of Spain, supposed to be hopelessly afflicted by melancholy madness, is well-authenticated. Luther, too, has told us that he banished despondency by music, and that the sound of a choral had actually the power to raise him from prostration on the ground. It is a great leap from Luther to George Sand, but Dr. Chomet quotes a letter to Meyerbeer from the celebrated novelist, in which she declares that the melancholy, which at one period of her life oppressed her, was always removed after the playing by her nephew of a certain piece of pianoforte music. While Dr. Burette believed it quite possible that sciatica, epilepsy, and lunacy might be radically cured in this manner, the treatise of his successor, Dr. Chomet, leans to the physical effects wrought by four special instruments, the flute, clarinet, drum, and trumpet; and, far from being satisfied with those ancient examples, Amphion, Apollo, and Orpheus, his volume abounds with modern instances. That the views of Drs. Burette and Chomet are by no means without supporters even in these practical days will be apparent in the following extract from Professor Ella's Programmes of the Musical Union for 1873, where the professor (a man of uncommon sense and shrewdness) states as follows:—

'Contrary to medical advice, I left my sick-room—an invalid—to assist at the last Musical Union, and returned home convalescent. In November 1845, at Vienna, under similar circumstances, I attended a most exciting performance of Berlioz's music;—the same results followed.'

It will perhaps be sufficient, if I thus allude to these matters, in passing on to the more tangible features of our inquiry.

The third aspect from which we may regard music is in its Social relations; which may be subdivided into two parts.

(Letter F). The present state of music in the drawing-room, concert hall, theatre, camp, and church.

(Letter G). The faculty of reading music; and how it may best be acquired.

Our subject was, as you may remember—'By what Means can National Education in Music best be promoted?' and the mere fact of this question being proposed at all would seem to assume

that musical education is defective, and musical knowledge confined to comparatively a few. Possibly this may be found to be the case; but in order to establish what is here implied, let us suppose a hypothetical illustration. You are acquainted with a good many persons of the upper-middle class, that happy social position alike removed from the carking cares of poverty and the dissipations of wealthy or fashionable life. Let us suppose that one of these meets you in the street, perhaps a professional man of middle age. You accost him, and, after you have discussed that never-failing topic the weather, you turn and walk along with him. A few words being exchanged upon the ordinary news of the day, you say, 'I suppose you sing?'—Many years ago he could; but 'has given it up.' 'Could you ever sing from note, by sight, as it is called?' The reply is in the negative. You further ascertain that your friend's wife did once sing, but not from note, and that she too 'has given it up.' His daughters play and sing, but not at sight; they are taught their songs, and retail them to their friends; the eldest boy, just home from one of the principal English schools, had begun to learn the flute or cornet, but, as usual, his practising hours had been subtracted from those set apart for recreation, and he also had latterly 'given up' music for the more stirring attractions of cricket. By this time you have reached your friend's house, and being pressed to enter, you do so, and are presented to the family in due form. Copies of some of the sonatas of Mozart and Beethoven learnt by the young ladies are produced, not without evident pride; but none of the girls seem to have been taught the meaning of the term sonata, nor had any attempt been made to explain the construction of other examples of the sonata form, for the girls had only remarked of the symphonies played by Mr. Manns's band at the Crystal Palace that 'they were extremely long'; and seemed to recognise no other characteristic of that mould in which the mighty masters of music had cast their noblest thoughts. And as to paterfamilias himself, how rarely do we find such a person as I am describing—albeit a man of fair general information—to be at all skilled in even the commonplaces of musical apprehension—to perceive, for example, any difference between a pianoforte and a harpsichord, save that the one is a new instrument and in fashion, and the other an old one and out of fashion; he knows no more about 'the loud bassoon' than can be learnt from the perusal of Coleridge's 'Antient Mariner'; is quite sure that a flute is played across the mouth, recognises the trombone by its slide, and is quite

certain how the drum is beaten. Here is a tolerably fair example, according to my own experience, of what the professional or middle class formerly knew, not of the arcana of music, but of the most ordinary topics in our daily experience of that most popular of the arts.

In fact, so far from being encouraged in the last generation, the study and practice of music was more frequently discountenanced, mostly from the impression—once universally entertained—that music was a sure road to dissipation, and therefore anything rather than a desirable accomplishment for young men setting out in life. How many well-authenticated instances were related in the days of our fathers and grandfathers—instances of young fellows who had played on that once fashionable instrument 'Halliday's Kent bugle,' and, as if by logical sequence, had taken to drinking. Or of others, who not content with imitating the Prince Regent's fine bass voice, or his skill upon the violoncello, had followed the tastes of H.R.H. in other matters, and had gone to the bad in consequence. With singular inconsistency, however, the example of good King George III. was always passed over, he who loved music and encouraged it among his family and his court in every way, and was yet a man of irreproachable life.

If I have been sufficiently clear, you will gather from these few remarks my impression that in private life music was at one time unduly neglected for social and prudential reasons, and that, although it is now taught everywhere, the teaching is somewhat superficial. But besides all this, to understand music, to love it intelligently, involves some gift—some predisposition for the art; and as you cannot argue with a blind man about colour, so it is difficult to convince the hard-fisted trader that music is an art at all, because there is nothing to be felt or seen in it; for one cannot touch a symphony as you can a picture or a statue. The French—proud of themselves as appreciators of the fine arts—have generally ridiculed the English nation as a matter-of-fact race, devoid of artistic taste or culture; and indeed, without absolutely adopting the dictum of one of their own essayists, who describes the Parisians as artists by nature ('ce peuple de docteurs-des-arts français'), there is no doubt that English people have too frequently laid themselves open to the reproach of being a nation of shopkeepers, by practically ignoring all social distinction except associated with trade-wealth—what M. Dannreuther calls 'The flat prose of productive industrialism'—and the acquisition of landed property. Their contempt for vocal

music as a thing that could not be weighed, or touched, or sold like other commodities, being embodied in that too familiar comparison of it with anything quite valueless, 'Pshaw! It is not worth a song.' But the true lover of music can always console himself under such materialist criticism with the words of Goethe: 'In music the worth of art is most apparent, since it requires no material—no subject-matter whose effect must be deducted; it is wholly form and power, raising and ennobling whatever it expresses;' or the equally beautiful expressions of Lady Eastlake upon a similar subject: 'It is a strange thing, the subtle form and condition of music. When the composer has conceived it in his mind, the music itself is not there; when he has committed it to paper, it is still not there; when he has called together his orchestra and his choristers from the north and south, it *is* there; but it is gone again when they disperse. It has always, as it were, to put on mortality afresh; it is for ever being born anew—born indeed to die away, and leave dead notes and dumb instruments behind. No wonder' (she continues to say) 'that there should have been men of shallow reasoning powers, or defective musical feelings, who in the fugitiveness of the form have seen only the frivolity of the thing, and tried to throw contempt upon it accordingly.'

In dealing with materialists we may also make good use of Lord Bacon's comprehensive definition of the term Art; he calls it 'The imposing or introducing any nature upon a given basis of matter.' Thus a mass of iron which a workman fabricates into some new form, a balustrade, a drinking-cup, a ploughshare, is the basis; when made, the workman has evidently superinduced something new upon the basis of iron; he has changed its nature; what was a cumbrous and unsightly lump of iron is now a new creature, endowed with beauty and utility. The process of giving it this new nature is called Art. Music is subject to the same condition as other human arts; namely, its results are effected by 'superinducing a new nature upon a given basis.' This basis is air, the common air we breathe, in which certain vibrations are caused by means of instruments, including under that term the human voice, which is the finest of musical instruments, fabricated by the Divine Artificer Himself, but which, fine as it is, is susceptible of improvement by art.

We now approach the second subdivision of our subject, Social Music, viz. music in the concert hall. Some years ago, when the sins both of omission and commission laid to the

charge of the Royal Academy of Music in London were being publicly discussed, we fell under the censure of the late Mr. Chorley of the *Athenæum* (a well-known critic, who, although thoroughly honest, was bitter in the extreme), in consequence of the fact that Dublin, like some other towns in the empire, was without any resident orchestra. Mr. Hallé, too, has made some remarks to the same effect. But both these gentlemen neglected to trace the fact to its legitimate cause; for in truth the matter is not so much a question of music as of political economy, since not once nor twice, but many times within my own experience, orchestral players have been either imported into Dublin or trained here, and as soon as it became apparent that more money could be made by the exercise of their talent in England than could be got here, they very naturally quitted us for London, Manchester, or some other of the English centres of population. I believe it was once possible to maintain in Dublin an orchestral band, for which the musicians attached to the seven theatres which existed here were available. The gentry and middle-class of those days rarely visited London, for it was then a journey of days rather than of hours, of difficulty and even danger, instead of being as now one of speed, of comfort, and of certainty. But now, once arrived in London, the traveller finds all the treasures of music, whether of one or of many—all the talents of the most wonder-working soloists, and of the most admirable orchestral bands—cheaply available; for London abounds in musicians of skill upon every sort of instrument, a fact exemplified in a striking manner when I visited the metropolis a few seasons ago in order to attend the six Wagner concerts, conducted by Richter, shortly after the Baireuth Festival. At that time, in a few weeks, what was called a 'scratch band,' but was in reality a splendid orchestra of 169 performers, was gathered in spite of the greatest opposition from rival orchestras and conductors.

Now, our Irish people of the educated class, having been habituated to cheap and abundant music, during those visits to the English metropolis constantly made by every one who has a few pounds to spare, and having thereby become fastidious, will neither support nor even attend such orchestral performances as Dublin with its limited means is able to supply; they are less than ever disposed to assist the orchestral efforts at home, and thus the evil goes on increasing year by year.

After all the fine things that have been said of our industrial resources, we have, I fear, but little of that mineral wealth

upon which other nations thrive. This island lies to the west of Europe, out of the way of commerce, and our nearest western neighbours are too far away to do us any good.

As for all these reasons I do not see the least likelihood of national wealth, or of an orchestral band being maintained in Dublin upon a self-supporting basis, it follows that we must depend upon some sort of an endowment: this is indispensable if we are ever to have a resident orchestra in the country. Nor does it follow that the vast improvements conferred by such a measure need be confined to the metropolis of Ireland; for Cork, Limerick, Belfast, and other towns would certainly share in the advantages, the want of which I know, from personal experience of those towns, to have exercised a most depressing influence upon the progress of musical art in Ireland.

I have gone into the matter with some care, and I find that for about 4,000*l.* a year—a sum insignificant compared with what our chief merchants have lately given towards the restoration of two cathedral churches in this city—a band of orchestral instruments complete in every department,[1] and equalling those assembled at many of the English festivals, could be maintained here for ever, resident in Dublin, but available for provincial use at a nominal cost; and what does that mean? It means æsthetic education in the symphony, in the orchestrally accompanied concerto, in the very highest walks of the musical art; it means that teaching by example which is worth all the precept in the world; it means orchestral education for all the rising generation; it implies opening out to the nation all the treasures of the oratorio, the cantata, the opera, the symphony and the overture, which we are now obliged to hear interpreted through the miserable medium of tinkling pianoforte arrangements, or not to hear them at all.

And should it be set down as extravagant to apply 4,000*l.* a year to enable a nation to appreciate the highest organised form that musical art can assume (for orchestral music owes nothing to voice or language), what shall be said of the 100,000*l.* a year now devoted to elementary music in schools,

[1] I thought of the following band of sixty performers, and Beethoven's ideal amounted to no more (some modifications of this would, of course, be available for various modern dispositions of the orchestral forces): Fl. 2, Ob. 2, Cl. 2, Bassoons 2, Horns 4, Trumpets 2, Trombones 3, Oph. 1, Drums 2, Viol. 15, Violas 8, Vcelli. 8, Cont. Bassi 8, Harp 1—Total 60. The following are some of the chief orchestras of modern times:—Bonn Fest., 108; Glasgow Concerts (1877), 60. London Phil., 82; Crys. Pal., 84; Paris Conserv., 88; Leipzig Gewand. 70. Berlin Sym. Soc., 74; Vienna Phil., 126; Baireuth Tril., 111; Bir. Fest. (1879), 112; Lower Rhine Fest., 128.

much of which is given as a reward for singing by ear, and is therefore little better than so much money thrown away? Nor is even the precedent of state support wanting for the cause I am advocating, for Charles II. gave a state endowment for an Irish band, which once amounted to nearly 800*l.* a year. But the funds were, unhappily, jobbed, and during the Reform fever of 1832 the whole was swept ruthlessly away.

In proof of the necessity for art endowments in this country, where so little trade exists, and almost no landed aristocracy is to be found, I may refer to the admitted fact that scarcely any eminent musicians have resided in Dublin—certainly none since the Union—excepting those who were induced to do so by shares in the Cathedral property, of sums from 250*l.* to 500*l.* a year. I shall name three Irishmen of brilliant musical gifts: Rooke, the composer of 'Amilie,' born in Dublin, 1794; Wallace, of 'Maritana' fame, born in Waterford, 1814; and Balfe, born in Dublin, 1808. All these, being Catholics, were ineligible for cathedral endowments; had they remained here, not one of them would have earned the income of a mercantile clerk of the third class; but I need not remind my hearers that they all attained fame and fortune in England.

Under our third subdivision I find 'Music in the Theatre,' with respect to which I need only remark that, by the establishment of a resident orchestra, none would be more benefited than our theatres, whose orchestras have been for many years dependent upon boys and other tyros in the stringed department, and upon individual players from various military bands for their wind instruments—the only approach to a really perfect rendering of opera music having been when a few solo players upon special instruments have accompanied the touring parties of some enterprising impresario, and even this—an always rare event—has of late years ceased altogether to exist.

'Music in the Camp' being the fourth subdivision under the head Social Music, calls for but few remarks, being executed by a travelling and to some extent an endowed orchestra, which is not recruited to any great extent from Irish sources; and here, although we may not attain to the splendour of either Baden-Baden in the palmy days of that fascinating watering place, or of Frankfort, recruited as those bands were from some of the most musically gifted races in the world, the natives of Hungary and Bohemia, yet the *ensemble* of our military bands is frequently admirable.

In our fifth subdivision, 'Church Music,' I am glad to say that a very marked improvement has taken place, within the comparatively short period of twenty years. There are in use among the Protestant Episcopalian bodies of these islands more than half a dozen hymn collections of decided merit, which I only wish that it were possible to reduce to one. Nearly all the faults that disfigured the psalmody of the last century have ceased to exist. Hymns are now melodious without being vulgar; their vocal compass is moderate; there are neither solos, nor embellishments, nor vain repetitions of the lines to involve absurdities, to make the judicious grieve, or excite the laughter of the profane. Nor are these improvements peculiar to the Episcopalians; the Presbyterian body in Ireland have a hymn-book in the press which marks an epoch of improvement, and the friends of instrumental music in the praises of God must not lose heart on account of recent adverse decisions among that body, for it is the belief of very many of the best and wisest among that communion that the exclusion of the 'sacred organ's praise'[1] from the Presbyterian churches cannot much longer be maintained.

Among the Catholics, the effort to purify and improve the music of the sanctuary, made within the short space of fifteen years, is more remarkable than among any of those whom we have been considering. By one bold move of a musical priest, Rev. Franz Witt, of Lower Bavaria, a move fortified by the sanction of their highest ecclesiastical authorities, they have established 'Cecilian Societies,' similar to those founded in the year 1868 on the Continent and in the United States of America, whose object is to remove from their services the florid church music known and practised from the eighteenth century down to quite a recent period, and to replace those scarcely-veiled opera strains which once deformed their worship by the purest forms of Gregorian, or music of a similar type, which, even if polyphonic, shall be of the highest class of its school, and must be marked by sobriety as well as by grandeur.

We next approach one of the most interesting and important parts of our subject: Letter G, a subdivision of our third principal head, Social Music. I mean, 'How are we best to acquire the power of sight-reading?' for I think it is in this direction that our national want of progress is most apparent; which would be at once evident could we imagine the existence of a state of things rendering it necessary to send for an English master to teach us to read each new book, and even

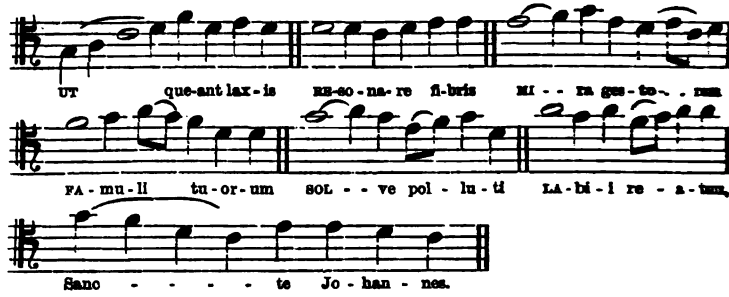
[1] Dryden's Ode on St. Cecilia's Day.

our daily newspaper; a language teacher to accentuate for us, to mark off the places for taking breath, and to explain the meaning of the whole.

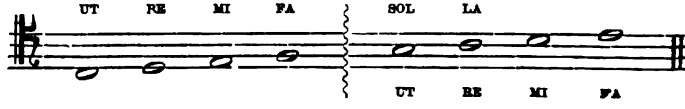
Now an expert musician casting his eye over a score, is as cognisant of its effect as if he heard it executed by a thousand performers; and this enviable power of reading, and in fancy realising the effect, is so far from being confined to your Mozarts and Handels, that I am disposed to think it lies within the reach of most people gifted with a good ear and ordinary apprehension; yet to read music off at sight is unfortunately a rare accomplishment.

The history of musical notation is curious; the Greeks had no less than 1,620 characters to represent their notes. The Romans—if Boethius is credible—seem to have used 15, the letters from A to P. The Welsh had also a notation peculiar to themselves, which seems to have had some sort of affinity with the old tablature of the lute: it was a letter-notation, of which some examples are noticed by Burney. The Greek system of tetrachords, or little scales of four notes each (irregular, and sometimes overlapping), had no justification that we can discover, and if Gregory had done nothing else but to discard it, and substitute that of the octave, founded on nature and common sense, he would be entitled to our gratitude. But he did more, he also named the notes after the first seven letters of the alphabet, and invented a notation (the 'neumata,' or nota romana), which at least aimed at describing the rising and falling of the voice. This, however, which consisted only of points, strokes, and curved lines, was necessarily very imperfect; and John Cotton—a monk of Triers, and the most famed commentator upon the works of Guido—wittily says of it, that 'the same marks which Master Trudo sang as thirds, were sung as fourths by Master Albinus; while in similar places, Master Salomo declared that fifths were meant!' By and by, however, a line was added, by which the marks were somewhat defined, and then a second line for the same purpose; of these, Hucbald, a Flemish monk of the tenth century, gets the credit. Then came Guido, a Benedictine monk of Arezzo (the ancient Arretium), who tells us that in his day, to learn the canto fermo, or plainsong of the Church, took a student ten years! He added two more lines to the two already in use, so that each neuma received its due place on the staff, and all ambiguity was avoided. But people also sang by ear in those days; and Guido, finding one popular hymn extant, of which each strain began upon a note higher than the preceding, at once adopted its commencing

syllables, and making his scholars learn them off by heart, he called the six notes of the scale after them:—

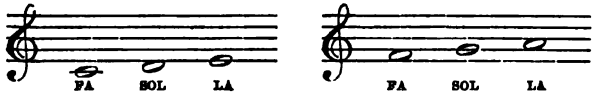


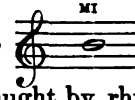
Although this little anecdote has been told by everybody, so that we are all but sick of it, yet from the notes of the hymn being never given, Guido's reason for choosing it does not appear. Writers are content with merely copying the story one from another, and it was but the other day that I read in a pamphlet by a musical curate, that Guido had only selected the Hymn of St. John because it gave him all the vowel sounds. The hymn having but six syllables, regarded from Guido's standpoint, he was obliged to look upon the octave as composed of two tetrachords, the hexachord overlapping the under one, so:—



The system of Guido and his memory-helping syllables, derived, as we have seen, by chance from the old hymn to St. John, prevailed in all parts of Europe for six centuries. Ut, however, was always the key-note; the plan of fixing immovably upon C the Ut (and the Do, which for euphony's sake was substituted for it) is comparatively modern. And here I would refer to the Yorkshire system, which adopted the syllables of Guido, adding Si for the seventh of the scale. Do was always the key-note; and was not (as in the Wilhem system, adopted by the British Government) confined to C, and made a sign of absolute pitch. Under this system many generations of sight-singers were trained, and the Yorkshire choristers became famous. Sharpened notes were thus changed; Fa sharp was made Fi (pronounced *Fee*); Fa flat became Fu (pronounced *Foo*). When a natural acted by lowering (as in sharp keys), it was also expressed by *oo*, and

when (as in flat keys) it raised a note, it was treated like a sharp, *ee.* Anciently, there was in England, and especially in Lancashire (famed for its chorus singing) yet another plan. Adopting the view taken in later times by Logier, that the rising scale of nature (1) consisted firstly of three sounds, (2) then of three more, and (3) ultimately of a forcible return to the octave of the starting sound, they called the scale thus:



and the seventh sound was always 

the upper semitone, in short. Children were taught by rhymes to find this Mi as a certain guide to the key, which it surely was. Here is one of these rhymes, initiatory and encouraging:—

> 'You soon will sing, if that your Mi
> You know its place where'er it be.'

Another, to find the natural scale:—

> 'If that no flat be set on B,
> Then in that place standeth your Mi.'

Another, to find the scale of F:—

> 'But if your B alone is flat,
> Then E is Mi, be sure of that.'

To find that of B, two flats, the rhyme ran thus:—

> 'If both be flat, your B and E,
> Then A is Mi here you may see.'

And as modulation in those days rarely went beyond three flats, there was no need to go further than the following rhyme, which conducted the pupil to E flat:—

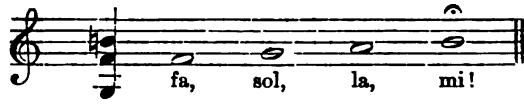
> 'If all be flat, E, A, and B,
> Then Mi alone doth stand on D.'

These were the syllables in use in Shakspeare's day, and everyone conversant with King Lear will remember where Edgar enters in the 2nd scene of the 1st act, and is accosted by Edmund thus:—

> 'My cue is villainous melancholy, with a sigh
> Like Tom o' Bedlam. Fa, sol, la, mi!'

And here we have a further proof, if proof were needed,

of the truth of Skakespeare's illustrations, for no better example of a musical 'sigh' can be conceived than this Tritone melody—furnished, let us say, with a lute-chord to fix its tonality, and sung in falsetto by Edmund:—



To enumerate the various devices for notation would be in itself a task. In addition to the 1,620 Greek characters, which Kiesewetter ridicules as 'straight, tumbling, oblique, mangled, mutilated, and distorted,' there were the fifteen Roman, from A to P, and the Hindu words—

Sa, vi, go, ma, pa, dha, ni, answering to
A B C D E F G.

There was also a set of syllables peculiar to Belgium, neither Oriental, Greek, nor Latin: Bo, ci, di, ga, lo, ma, ni. There was also the Welsh notation already alluded to. Jean-Jacques Rousseau invented a system of teaching by figures, in which the figure 1 stood for the tonic; at present the letter-note plan of Mr. David Colville, of Paternoster Row, London, somewhat resembles it. In 1809, a clergyman named Pfeiffer, who loved education, and a music-publisher, Nageli, residing at Zurich, took up Rousseau's idea of the figure-notation, and these two, working in concert, gave an immense impulse to the class-teaching of music in Germany: they adopted the classification of the famous teacher Pestalozzi: time, tune, and force, they called rhythmics, melodics, and dynamics.

The system of M. Bosquillon Wilhem, adopted in France under the reign of Louis Philippe, seems to have been derived from a method employed so far back as the sixteenth century by Sebald Hayden: the teacher uses a pointer (*indicateur*), and the scholars sing according as he points to different spots of lines on the board, as if notes were written; thus, all the intervals are indicated, although no notes are really before the eyes of the class. When away from the class-room, the place of the board with lines is supplied by the open hand of the pupils, which they are taught to use as the five lines and four spaces, thus reproducing Guido's device, the Guidonian Hand of the eleventh century. This method of Wilhem was adopted by the British Government about 1839, and for a while succeeded; but of late years it has disappointed expectation. although not only had it been ushered into use by all the

influence of the Government, but accompanied by printed class-requisites of extreme convenience and beauty. As the fixed Do, or Hullah system follows that of Wilhem, so the tonic sol-fa, or letter system, with every key-note called Do, has its French counterpart, called the 'Galin-Paris-Chevé' method.[1] This plan is officially and publicly recognised in France; being thus more favoured than the tonic sol-fa in England, which I fear has been rather sat-upon officially. This is the more singular, since the opinions of Sedley Taylor, of General Perronet Thompson, and of the great Professor Helmholtz have been strongly expressed in favour of the tonic sol-fa method, and at this moment I have before my eyes a paper by Professor Macfarren of Cambridge (an authority which for competence and truthfulness none can gainsay), contributed by that gentleman to the *Cornhill Magazine* for 1868, in which the writer 'adduces, with thankful pleasure, the sight singing of 4,500 tonic sol-fa-ists, in a way that fulfilled the highest requirements of the severest judges.'

But irrespective of these opinions, which cannot but carry great weight as the utterances of some of the most scientific and thoughtful men in Europe, I can speak from personal experience; and it is my belief that by associating, as Mr. Curwen's system does, a character of its own with each note of the scale, and by laying especial emphasis upon chord and key-relationship, the tonic sol-fa system is better calculated to draw out the intelligence of the singers than any other with which I am acquainted. The scholars of this system seem to keep the pitch better, many persons believe that they read at sight better, and I have certainly witnessed remarkable instances both of sight reading and singing from dictation amongst them. Regarded merely as a general introduction to vocal music, the tonic sol-fa is cheap, rapid, and simple; and by the time a good knowledge of its letter-symbols is acquired, even the ordinary staff-notation will be found to offer little difficulty. I offer this as my honest opinion, being unconscious of any prejudice, which, if it existed at all, would be most naturally enlisted in favour of that old method upon which I myself was taught to read at sight.

But whatever system be adopted—that of Lancashire or of Yorkshire, the fixed or movable Do, the Wilhem-Hullah, or the tonic sol-fa—I would certainly cause sight-singing to be taught at every school in the country, and I would have the progress of the pupils verified from time to time by inspectors, who should in no case accept singing by ear as a test of attain-

[1] Invented by M. Galin and Madame Chevé about 1817.

ment, as too frequently happens in England at the present day.

It may seem to many of you an old-world notion, but I am disposed to think there can be no really first-rate musical education save one associated with the daily practice of worship-music. Dr. Burney, in his very pleasant 'Musical Tour,' remarks, that 'it seems as if the national music of a country was good or bad in proportion to that of its Church Services;' I think it is only under the shadow of some great ecclesiastical foundation that the classically sculptural beauty, the reverent grandeur of ancient choral music, can be experienced and practised. The ordinary conservatorial education aims only at making the pupils skilled artists, vocal or instrumental, whichever the bent of the scholar's genius or gifts may suggest. The ancient anthem, or the motet, is not marketable, it will not pay, and so it is not studied. But the names of Geo. Fred. Handel, of Seb. Bach, of Wolfgang Mozart, and of Joseph Haydn rise up before us in support of my theory that the sacred influence of daily life under the shadow of the Church goes a great way in directing even genius itself into the noblest paths of the musical art; for so at least these eminent men learned, and worked, and grew great.

When people are disposed to descant upon the modern progress of music, they are sure to bring forward the vast increase in the manufacture and sale of the pianoforte as a proof of the advancement of the art, and it is an undoubted fact, that including London (which produces some 24,000 per annum), there are annually made in Europe about 60,000 of these instruments. But so far am I from thinking this an unmixed good, that I am disposed to attribute the decay of choral music in some degree to the popularisation of the pianoforte, the so-called domestic orchestra; which is so powerful, so adaptable, and so easy an instrument, that its use has naturally almost absorbed or extinguished the practice of all other kinds of music.

Two or three hundred years ago, those who loved music had but a few poor-toned instruments within their reach; for the lute, the virginal, and spinet were weak, tinkling things when compared with human voices; and viol music, with those 'ravishing divisions' of which the poet speaks, was in reality extremely elaborate and difficult. Part-singing, therefore, became the natural and universal resource, and as this had to be learned without instruments, singers were obliged to acquire the first principles of music, and to sing by note. But now, the omnipresent pianoforte spares all trouble. The con-

ductor strikes the chord upon it for his choir; and young ladies who take up a new song to try whether it be pretty, or whether it will suit their voices or not, ascertain these things, not, as their ancestors could and would have done, by reading off the notes with voice and eye, but by spelling out the air—generally with one finger only—upon the piano keys.

Another, and a more serious drawback to the use of the piano is, that its keyboard gives young people a false idea of music, by accustoming them to believe that there can be only twelve sounds in an octave—if, indeed, they ever give the matter a thought at all. This any of us can realise, by conversing with one of the rising generation about E sharp, when we are pretty certain to be somewhat thus interrupted or corrected, 'Oh yes! that's F!' The piano, however, is so generally deemed an excellent accompaniment and support for voices, that should any of us hazard in mixed company the assertion that, by its faulty, tempered scale it rather tended to make people sing out of tune, we should probably be met by a smile of incredulity.

That celebrated concert and oratorio singer, Madame Mara, was known to have advocated teaching all singers the violin; 'for,' said she, 'instead of perpetually telling your pupils, you are flat, or you are sharp, we can in a moment indicate the precise amount of their error, by means of the finger upon the string.' Now the pianoforte is incapable of this, and of course so must every keyed instrument be. But having spoken of the piano as a hindrance to vocal sight-reading, and a doubtful ally for intonation, it is but fair to admit its many good points in opening up to us the treasures of orchestral writers in an adapted form. Let us be just too; the tempered scale, which has done not a little harm to singing, has suggested to pianoforte writers the most charming equivocations, and in particular to Beethoven—that emperor of all modulation—the most noble, nay startling changes of key, in his works for the pianoforte, alone or in combination.

Nevertheless, I do not believe piano music is generally loved for its own sake; if this were the case, people would scarcely converse as they do while it is going on. A song is generally—not always, however—listened to; especially if it be a love song, for then the words supply a theme which everyone can understand. But music in these countries is too often looked upon as an ordinary accomplishment, which—like the French and German languages—must be learned, but as an agreeable pastime only. With most persons its use is merely regarded as a kind of soothing pleasure after dinner, or an

occasional accompaniment to conversation. There are two causes for people practising the demoralising custom of talking while music is going on: firstly, a great many people do not care about music at all; and, secondly, young people attempt pieces too difficult for them, to which they cannot do justice: sometimes, indeed, those who attempt bravura pieces in this way cannot play a study, or even a scale properly, and are quite incapable of accompanying a simple ballad at sight. And it seems to me that for all this, the pupils are more to blame than the teachers, since they dislike scales, neglect studies given for technical advancement, and never try, as they ought constantly to do, to decipher new music, the only means of making an expert sight-player. This last should be done daily, if even only for a short space of time; it should never be omitted; for to singers or players unable to read off moderately easy pieces at first sight, their music is of very little value, and, it may be added, is of still less to their friends.

Among the means of spreading the knowledge and practice of music in social life, there is one that we certainly must not pass by, viz.: to hear, and if possible to study, the classics of that very interesting instrument, the organ. Every city in these kingdoms should, like Newcastle-on-Tyne, Leeds, Manchester, Liverpool, Glasgow, and Belfast, possess a fine hall, in which should be erected as noble and perfect an example of the so-called king of instruments as could be obtained. Dublin is peculiarly unfortunate in both these respects. We have got, indeed, one large music hall, but it is so peculiarly ill-adapted for musical purposes that in the centre of the floor it is impossible to hear with satisfaction; there is an imperfect, cobbled-up organ in it, rarely played, and still more rarely listened to, for to converse during instrumental music is, and I believe always was, one of our besetting sins. This is one of those customs in reference to which, like Hamlet, I would cry 'O reform it altogether!' When seated at one of the German festivals, I often think of our home audiences, wishing it were possible for them to witness the decent silence maintained during the music at Bonn or Baireuth, a silence however that is by and by to be exchanged for loud shouts of 'Hoch! Hoch!' blasts extempore from the brass instruments, and thundering rolls from the drums, whenever the audience delights to honour some favourite performer or composer, or the conductor himself, during the intervals of the music. But should those remedial measures ever come to be applied, which to-day I venture to advocate before you, our chattering audiences

would soon cease to exist, being replaced by real listeners like those who throng the places of musical resort in Germany. And now it is high time for me to draw to a close, but ere I do so, I would wish briefly to recapitulate the plans I would suggest for promoting National Education in Music. These are:—

1st. Historical Concerts; 2nd. Lectures on the Scientific and Philosophical aspects of Music; 3rd. A better style of pianoforte teaching, with more attention to sight-playing, and the knowledge of classical form; 4th. The inclusion of sight-singing as a regular part of the course at every school in the country; 5th. A resident orchestral band of sixty performers to refine and guide the taste of the public, at present quite incapable of comprehending instrumental pieces of large calibre; 6th. A good Concert Hall, and a really fine organ erected there, on which should take place performances (during which absolute silence should be the rule), the admission fees to be low, 3*d.* and 6*d.* To these suggestions I would add (7th) the inclusion of music as a voluntary subject in the curriculum of the Universities;[1] 8th. Some authorised qualification for teachers of music; and (9th) the means for adequately trying over, and, if found worthy, producing in public the works of young composers, who are now placed at a great disadvantage by the impossibility of their works being heard.

Nor would the effect of these nine measures be by any means confined within their apparent limits: for example, to teach the whole population to read music off by sight would improve church music incalculably in the course of even one generation, and to accustom the middle class to hear a fine orchestra at a weekly concert would insensibly raise the whole tone of musical appreciation; while the lectures dealing with acoustics, those on musical form, and similar philosophical phases of the science and art, would act and re-act upon the whole nation. At the same time, by the sending forth authorised teachers alone, quacks being discountenanced, the entire musical body politic would be so leavened by healthy indoctrinating influences, that in the future this once discordant Western Isle would be for ever 'full of noises, sounds, and sweet airs that give delight and hurt not.'[2]

[1] Sir Fredk. Ouseley, the learned and admirable University Professor of Music at Oxford, lately obtained from one of the English bishops a concession of this sort in the case of deacons.

[2] 'The Tempest,' Act iii. scene ii.

A further Paper on 'Musical Education in Irish Elementary Schools,' was read by Rev. JOHN MACMAHON, M.A., LL.D., Secretary of the Board of Religious Education of the General Synod, Church of Ireland. Much discrimination is requisite in estimating the condition of musical education in elementary schools, because everything depends upon the value of the inspector's pass, which, in most cases, extends little beyond the performance by the children of a number of songs learned by ear. Children, however, should be taught to sing by note; and for this purpose a beginning should be made at the beginning, between five and six years of age in the nurseries of the well-to-do, and the infant schools of the humbler classes. For this purpose a law of the human mind—the association of ideas—can be utilised, so that a given sound can, in the mind of the little child, be united with a given name or note, whereby the mention of the one would at once call up the other. The work thus begun should be followed up in the boys' and girls' school by skilled teachers in accordance with musical methods. No one could say that this was being done in Irish elementary schools, inasmuch as in upwards of 9,000 schools under the National Board, music apparently was not attempted at all. A great work, however, but on a limited scale, was being done in connection with musical education in 1,000 elementary schools under the National Board, thanks to the energy, perseverance and mastery of the subject of the Resident Commissioner, Sir Patrick J. Keenan, C.B. It would be impossible, however, that the golden fruit of such enlightened management could be fully reaped till the following experiments were adopted; viz., inspection of schools in music by professional musicians of known experience and teaching; the appointment of teachers qualified to give instruction in music in schools, and the establishment of a training school for music, either in connection with the Central Model School, Dublin, or on an independent footing as the training school in the city of Cork. The Royal Irish Academy of Music, a very efficient institution, was rather above the heads of the masses, and did not touch the outskirts of the population.

There could emanate from all this results in an educational point of view which would benefit the social and domestic habits of the people. Music asserts a softening and purifying sway over men, and could prove to the homestead an innocent, healthful, and cheap amusement, which requires only to be shared in to be appreciated. Another department could be affected beneficially, namely, public worship in the hallowed temples of God throughout the land. The Countess Cowper,

who since coming to Ireland has displayed so much interest in Art, would confer a great boon in an educational point of view upon this country if Her Excellency would cause the attention of the authorities to be directed towards the present unsatisfactory condition of musical education in our elementary schools. In conclusion, Dr. MacMahon acknowledged the large obligations he was under in the present Paper to Dr. John Hullah, one of the greatest benefactors of his age, and who had achieved such wonders in connection with the popularising of the principle of part-song. Dr. Hullah deserved any blue riband that could be bestowed on him by Government. Willingly would he (Dr. MacMahon), if he could, set a crown of pure gold on Dr. Hullah's head, whose name would appear in the history of music in the nineteenth century as the first voice that was raised in England on behalf of music as a branch of national education, and the first steady and practised hand that piloted the movement towards what it will be one day or other—a perfect success.

DISCUSSION.

The Rev. N. Donnelly (Dublin) said he had listened with great pleasure to the very able and exhaustive Paper of Sir Robert Stewart. It, no doubt, extended over a very wide field; but Dr. MacMahon's Paper, though limited in scope, had more interest for him, and there were two points on which both he and the Rev. Dr. MacMahon were thoroughly *unisonous*, and these were obligatory instruction in elementary schools and efficient musical inspection. Until vocal music was made obligatory in their national schools, he (Father Donnelly) had no hope of the effective realisation of any progress in the several branches of musical culture so ably described by Sir Robert Stewart. Dr. MacMahon had noticed the great disproportion between the actual number of National Schools and the number where music was taught. He too concurred in that observation as he had taken a deep interest in the subject all through, and was convinced that until it was made an obligatory subject in all National Schools no practical result would follow. Sir Robert Stewart alluded to the foundation of the Cecilian Society by Dr. Witt, in Bavaria. He was partly instrumental in establishing a branch of that society in Ireland, for the purpose of improving their church choirs; but though they were now three years in existence, and had obtained the warm encouragement and patronage of all their bishops, and generous lay and clerical assistance, they were practically blocked through the want of musical instruction in their primary schools. He had been made aware that the Board of National Education some few years ago endeavoured, indirectly at least, to establish obligatory musical instruction. When the system of payment by results was started they subtracted a percentage of fees from

teachers where music was not taught. But that was not found to work, because of the want of musical training in the teachers themselves, and the rule after the first year was discontinued. The next point was the question of musical inspection. Nothing could be more absurd than the present system of musical inspection in their elementary schools. The National Board Inspectors, however able and well fitted for their arduous duties, honestly confessed their incompetency to examine in music. One, in his report, said, 'As far as I, a non-musical person, can judge, the children sang harmoniously.' Until a system of musical inspection, carried out by competent musical inspectors, was established by the National Board concurrently with obligatory teaching, music would make no advance in the elementary schools of Ireland.

Mr. George Cree (Dublin) observed that there was a practical difficulty at present in the way of musical instruction in the national schools —namely, the want of qualified persons to teach. This difficulty could be overcome only by the establishment, in connection with the central institution in Marlborough Street, of a training school for teachers, where they would receive sound elementary instruction in music. In the matter of musical education he could not avoid saying the National Board had hitherto failed in their duty to their country, for nothing deserving the name of musical instruction had up to the present time been obtainable in the national schools. But they must look the difficulty in the face. It could not be overcome in a day, and the diffusion of musical knowledge could only take place in the schools when they had first a body of teachers properly trained to communicate their knowledge to others. If the Board were in earnest with regard to musical education, he could see no reason why they should not, after a time, find one musically qualified teacher or assistant in every national school in the country, instead of, as at present, being notoriously deficient in teachers possessing any knowledge of music. The Rev. Mr. Donnelly had spoken of the value and usefulness of such knowledge in connection with the Church service of his communion. He (Mr. Cree) might add that, in connection with public worship in other communions also, the musical knowledge acquired by teachers and pupils under the National Board would be most valuable even in a pecuniary sense, forming as it would the qualification for the position of precentor and choir teacher—a position for which there was at present a great dearth of qualified candidates.

Mr. W. Gernon (Dublin), speaking as one who did not understand the art, expressed his opinion that the Royal Irish Academy of Music should be entrusted with the duty of teaching music in the schools. The National Board had too many other subjects to attend to.

Mr. W. H. Newell, C.B. (Dublin), believed that there was a desire on the part of some present to pass a vote of censure upon the Natic al Board of Education in regard to this subject of music. He wished to y that the Commissioners of National Education had not neglected t st subject, but it was not an obligatory subject; because of the want of teachers, it was impossible to make it so. During the past six ye s, however, they had increased the number of teachers from 200 o 750 trained and certificated as competent to teach it. In r

one thousand schools music was regularly taught. There was a like fee available for pass results in this as in compulsory subjects. In round numbers 57,000 pupils were examined in the prescribed programme, of these, 43,000, or 75 per cent. passed, and the amount of the passes was within a fraction of 5,000*l.* It could not, he thought, be laid to the Commissioners' charge that they were remiss in this matter.

Mr. Thomas Mayne (Dublin) said the Irish Academy of Music could never be made a means by which national music could be nationally taught in Ireland. It was essentially an institution for instruction in the higher walks of the art. But without having recourse to private munificence, as had been suggested by Sir Robert Stewart, they had a means at hand for supplying the want now felt to exist in Ireland—that was of reaching the people of Ireland. Until the people of Ireland were reached by whatever education was offered as a national education in music, all Sir Robert Stewart's valuable suggestions would fall to the ground. The means at hand were the National Board Schools and State aid. The Board had been lax heretofore. Up to six years ago they did, according to their own admission, absolutely nothing, and now they said they had 750 certificated masters. But how trained? The public, who had intrusted this matter to the Board, should have some guarantee in the form of results that that training was real, and not mere cramming, and, therefore, evanescent as to results. The Board should inquire closely into the subject, and see whether their whole system as regarded musical education did not require to be remodelled. Having some knowledge of all the European peoples, at all events west of Vienna, he could assert, without fear of contradiction, that none of them had a greater natural aptitude for music than the Irish, and the National Board should see that the young in their schools were trained in such a manner that this natural talent should receive a proper development. In reply to a remark from a previous speaker, he stated that the provisions of the Libraries Act could not be applied for this purpose, any more than they could to furnish means for the teaching of people to read. Funds could only be applied under that Act for library purposes proper.

Mr. A. L. Cowley (Dublin) said there were two points on which those present were almost unanimous—1st, that a national education in music is needed, and 2nd, that the ordinary day school is the natural place for commencing that education. Expression has also been given to a widespread feeling of regret that the splendid opportunities available to the Commissioners of National Education are not utilised, and that so far practically nothing has been done. Dr. Newell had told them that one thousand schools had passed in music, but in connection with this statement it must be remembered that a previous speaker informed them that the examiners in their own reports admitted that they were quite incompetent to examine in music, and therefore the value of what they had passed was a very doubtful matter. Dr. MacMahon in his Paper had well said that singing by note is the necessary thing, and that the work should begin in the infant schools. He also referred to an important principle in connection with the teaching of this subject —the association of name and tone in the mind of the child, so that the

names shall at once call up the intervals to be sung, and by his eulogy of Dr. Hullah he implied that his method was the system by which this could be best done, but as a matter of fact the Hullah system through the whole of its first book established the association of ideas referred to, and then in the next book set about undoing the work done, by giving to the same names new and constantly changing meanings. The history of this method was a sufficient proof of its unsuitability for school work, commenced in circumstances the most favourable that could well be conceived, issued with the sanction of the Lords of the Privy Council and the patronage of the great and influential, introduced and steadily advocated by an earnest and gifted teacher, welcomed and adopted in nearly all the schools of the land, and at first seeming to answer the highest expectations—but where is it to-day? A gigantic failure, and in the majority of the schools to be found only in the shape of unused sheets and diagrams—the beautiful appliances mentioned by Sir Robert Stewart—stowed away dusty and almost forgotten in some out-of-the-way recess. In contrast with this he (Mr. Cowley) wished to direct attention to the tonic-sol-fa method, which, without influential patronage, and in the face of much opposition, had been steadily growing in favour until it was now doing nearly all that is worth naming of musical work in the schools of England, Scotland, and Wales, and would, he trusted, soon have the opportunity of doing what is so much desired in the schools of Ireland. It was with the greatest possible pleasure he listened to Sir Robert Stewart's valuable testimony in its favour, and as a practical teacher well acquainted with the work to be done he (Mr. Cowley) considered the method best adapted for the purpose to be the tonic-sol-fa, and he mentioned that this opinion was shared by Sir Henry Cole who was so long at the head of the Science and Art Department at South Kensington; for at a recent meeting in Exeter Hall he said 'the tonic-sol-fa method will become the universal method of teaching music in the public schools of the United Kingdom, and be the first step in the national cultivation of music.' He also said, 'It is more deeply established on the principles of science than any other system, and the method of teaching is the truest to the nature of the thing taught.' As a teaching instrument Mr. Cowley knew of nothing to compare with it, and he had tried it in a great variety of circumstances, having used it for more than twenty years. He would earnestly urge the National Board to give this method a full and fair trial and let it be tested by results. If they would do so he had no hesitation in saying that their highest hopes would be realised, and music would become a truly national branch of education.

Sir Robert Stewart, in replying, said the neglect of teaching music by sight in Ireland had been mentioned, and so far certainly none of the speakers were able to prove it did not exist. He (Sir Robert) would direct their attention to the 'Report of the Education Department upon the singing schools, for the year 1879,' and to the prominent position attained by the tonic-sol-fa system in Scotland, also to the comparative results of the systems, as proved by the relative numbers of those who sang by ear, and those who sang by note. The only thing he could suggest was that they should look into the figures of the Scotch school

returns. By these he found that but ten schools were under the Hullah system, whereas the tonic-sol-fa method was taught in 1,338. Practically they did not know anything of the tonic-sol-fa system, but were it introduced into this country, and pursued with anything like the persistency of the Hullah method, they would very soon see the agreeable results that he ventured to hope for in his Paper. The report issued by the Education Department showed the extent to which singing is systematically taught in elementary schools, and the proportions in which various methods are used. In England and Wales 697 schools use Mr. Hullah's system, 534 use the old notation with the movable *do*, 44 use more than one system, and 2,297 schools use Mr. Curwen's tonic-sol-fa system. The remaining 19,921, by far the largest proportion, teach by ear. In Scotland only 10 schools use Mr. Hullah's system, 105 use the old notation with the movable *do*, 25 use more than one system, and 1,338 use tonic-sol-fa. The remaining 1,404—a less proportion than in England—teach by ear.

MISCELLANEOUS.

An interesting Paper, entitled 'Æsthetics and False Art considered in connection with the Æsthetic Movement and the Prospects of English Art,' was read by Mr. J. Howard Pentland, B.A., A.I.B., Dublin. The author pointed out that there was but one profitable method of investigation, whether the phenomena considered were stars, thoughts, or men. Experience supplied us with the phenomena, and abstraction the laws to which they conformed. Englishmen were too fond of the first, and became utilitarians; Germans of the second, and became transcendentalists. Both were wrong. There was nothing more than this in any science, from mathematics to sociology, and the science of æsthetics was partly sociological, partly psychological, and partly physiological; being, like geology, a kind of secondary science involving several primary. Such was the scientific status of the inquiry. In the limits assigned to him the author could do little more than sketch its scope. The phenomena were familiar to everyone, as was also their geographical distribution. Society gave us the realities, the theatres the caricatures. 'Patience' and 'The Colonel' might be severe on such earnest persons as Mr. Cimabue Brown, but, while they amused the Philistine, they performed a Socratic function that was wholesome to the 'æsthete'—*δεομένῳ ἐγείρεσθαι ὑπὸ μύωπός τινος*. Dress, houses, furniture, literature, needlework, painting, poetry, the press, the magazines, sculpture, music, pottery, and conversation were all affected. The movement was self-conscious, a phenomenon not usually characteristic

of great periods. It exhibited itself in the inordinate use of the word 'art' as an adjective, and simultaneously with this we might note that the word 'æsthetic,' could never be a synonym for 'artistic' as many seemed to suppose. One was anxious to inquire the meaning of all this. What was *art* if it was so to flourish, and *æsthetics* if it was to show the *raison d'être* of this varied epiphany? If we consulted the latter we found that the age had outstripped it. Plato, Aristotle, Kant, Schelling, Hegel, Lamennais, Jouffroy, Cousin, Pictet, Levêque, Ruskin, Taine, and Spencer gave uncertain sounds. Æsthetics was a science that had to do with all the phenomena of art; the first question therefore was, what was art?

According to Mill, digital indication was the only true definition, others merely enlarging our vocabulary but not our knowledge. But we wanted more than that, something that would correspond, as M. Taine had shown that a definition should, to a generating formula in mathematics—a definition that should include, but not be included in, that of a Passion Play associating Pheidias, Beethoven, Shakspere, Tintoretto, and William Burges. Scanning the history of art we found some other creations, besides those of the sculptor, musician, poet, painter, and architect, which might contribute factors to the definition. The 'gullet science' of Montaigne found a genial apologist in Brillat-Savarin; but Mr. Ruskin had disposed of his views in showing that no sense where pleasure is destroyed upon prolongation could be a fit medium for fine art. Eugène Véron had pointed out that association alone connected sentiment with the senses of smell, taste, and touch, and that sight and hearing gave spontaneous rise to the ideas of infinity, unity, proportion, repose, moderation, &c., and all the 'divine attributes' of Mr. Ruskin. The plethismograph also showed the superiority of the latter senses. The author then showed the limits of science and art, and the limited applicability of science in general to the *practice* of the fine arts. Art, as Mr. Ruskin had shown, was produced when the mind and hand of man worked together, and *fine* art when the heart helped both.

The loose use of the term æsthetic was suggestive of the dualism of recent verse, the blending of the sensual and the transcendental, the mistaking of local sensation for spiritual motive. Dutch painting and Homeric poetry were sensual, looking upon the earth as a fruit-bearer and the sea as wine, but they did not apotheosise the appetite. The term αἴσθησις signified the sensual perception of the outward qualities and effects of bodies. Mr. Ruskin substituted 'theoretic' for 'æsthetic' in the belief that artistic impressions were moral,

which was questionable. Were our diction perfect we should use both, but the word æsthetic has in most writers done double duty. This it must continue to do. Æsthetics was said to be the science of beauty, but what was beauty? Nearly all writers had limped after Plato, but Plato's theory contained three gratuitous hypotheses—a previous existence, an invisible world inhabited by cheerful types and essences and all the stock-in-trade of metaphysics, and a single goal for art, Beauty. The idea of beauty had no coherence except that conferred by the dictionary; it was a growth that sprang from many sensual pleasures and gathered unto itself notions of spirit and goodness until it developed in the hands of metaphysicians into an Essence. It was the sum of all pleasures and admirative impressions physical and mental. The phantom *l'art en soi* rose from this mist. Beauty was not the sole aim of art. Art had interpreted every emotion, even the ugly and horrible, and been the better for it both in Pagan and Christian ages. Aristotle felt the difficulty and substituted imitation, in which theory he was followed by Pascal and Boileau, but it failed from its inapplicability to music and poetry. Where was the beauty of Rembrandt's mother, or the dingy ale taverns of Teniers? There was but one answer left. In their treatment and the atmosphere of the painter's individuality which refracted and modified all that came to it of form and colour, the lens of psychical and physical limitations. Truth to the object of vision or hearing, which was a condition of the sensorium, and might possibly not be caused by an external reality, was the one criterion.

The author then referred to the place of beauty, *technique*, and expression in a work of art. Art was, then, the visible or audible expression of man's conception expressed for man's pleasure and edification, and æsthetics the science that explained it and its conditions. Art was thus subjective, and was a product of national conditions. We might judge a people by its art, and when we saw a withering art and technical excellence withal, we might point to a defect in the producers as surely as to a want of potash in soils where there was a prevalence of potato blight. The author then reviewed Greek art, epic tragic and plastic, and showed that in all particulars it was the logical outcome of its producers' authropomorphism, materials, and climate. He then proceeded to show that Roman art was the first example of a *Renaissance*, being merely Greek mannerism laid over Roman matter both in literature and architecture, the half-hearted work of a people who were weaned from sober thought by the scenic vulgarities of menageries and gladiators.

It was the Infant Romance with the Greek skin disease. Where art was indigenous as was Greek art, it was the only art possible for its producers, and *vice versâ*. He traced the same principles through Byzantine, Italian, and Gothic art, showing that all true styles were the result of the observance of local necessity, principle, and character. Style, even to that of Chinese architecture, was an *unstudied* emanation from the facts of form. When studied it was no longer style but mannerism, even as the Japanese was here but a mannerism—so much mint, anise, and cummin—while the weightier matter escaped. We learnt perforce that all true styles had principles, and that there was no principle in any eclecticism that had ever crippled art, from the *Comœdia palliata* of Plautus and Terence to the bald Della Cruscanism of Mr. Dante Gabriel Rossetti and æsthetic poets; nor could there be such. It was vain to seek it in what had been termed the *Renaissance* (*par excellence*), much less in any of those later mongrel styles, such as Queen Anne, which was a mixture of Georgian and Dutch, so much sought after by the 'æsthete.'

The modern drawing-room, instead of being a consistent composition, in a style dictated in general by social requirements and in detail by the due function of parts, was a museum where excerpts from the ages lay grouped in millennial peace. Lion and lamb, weaned child and cockatrice, could not be more sweetly associated. Until the public felt that they would have nothing except what was for use, and strove to make all things beautiful in fulfilling their end, there would be no school of domestic art in England. Colour should be taken up more boldly. Every colour in every spectrum had its function, and the true use of colour would never be understood till artists gave up talking about primary and secondary colours. These were now relegated to history, and any theory of ornamentation built on them was false. Folks were on the true road to colour when the Renaissance pruned their efforts and ignorantly condemned them to light and shade. We were too much the slaves of fashion. Fashions were transient; but a style that interpreted the outpourings of a people's heart while it reflected their physical life was one which only changed with the progress of humanity. Could we have such a style, *the logical outcome of our conditions?* What English art just before the pernicious breath of classicism withered its growth in all but literature might have now reached in all branches, nurtured through many days by the transcendent manual skill that produced the *mobiliers* of Louis Quatorze, Quinze, and Seize—*this* was our goal. Many people pointed to mediæval uncouthness and ignorantly gloried

in the effeminate refinement of Boule. There was but one answer to such—namely, that had the Renaissance never bent us from our path we should now be able to point to *mobiliers* that would surpass those of Louis Quinze as St. Finbar's Cathedral surpassed his palaces. Our architects seemed scarcely to understand the function of details, and might with advantage read M. Viollet-le-Duc's dialogue between Epergos and the Renaissance architect of Charles IX. The details of a style were more than its dress; they were a functional part of the substructure, as the fur and hide to a dog, the leaves and bark to a tree.

The author then proceeded to consider briefly some of the literary phenomena. Was the 'art verse' of the day a produce of the soil, the lovely expression of the highest English emotional thought, characterized by sublimity, strength, and purity in its choice of subject, and handled with moderation and grace? Were it so it would merit the title 'consummate.' Little need be said about Mr. Swinburne; he had passed his *Baudelaire* period, and the purer breath of his later lyrics had less of the Sapphic vein and of the shriek and smile of sin. Mr. Rossetti, on the other hand, had much to answer for. He was a Della Cruscan of the nineteenth century, fleshly all over, never spiritual, never tender, always self-conscious and 'æsthetic.' Many of his poems were like quaint old pictures; but poetry that habitually borrowed from another art was bad poetry, attempting what the other art could do much better. Such writers loved to develop into blatant eroticism what great men had merely sniffed at, mistaking their contempt for oversight. Their verbiage smelt of the sixteenth century, and was partial to gonfalons, damozels, mandolins, and apple blossoms. There were many such scribblers and sonneteers before, but their memories had fled. Such were Cartwright, Donne, and Cowley, who far surpassed our present poetasters in the delicate jugglery of filth. The real test of this verse was the facility with which it could be imitated, the fact being that it was easy to reproduce sound when it had no strict connection with sense, and to cull jewelled speech not hopelessly interwoven with thought and spirit. Pope's criticism on Crashaw was but too applicable, and showed that the fault before noted was also here, namely, the exaltation of manner or detail. Mediæval classicism was one of the products of this school, and might be studied in such 'consummate fleshly sculpture,' to use Mr. Swinburne's own expression, as 'Troy Town,' or such actual sculpture as the 'Sappho' of M. Jean-Jacques Pradier or M. Salmson's 'Dévideuse.'

A retrospect of these phenomena was perhaps puzzling, but the difference was on the whole on the side of the good. An interest had been awakened and must work good. The worst enemies of social progress were those self-conscious persons of both sexes whose botany was confined to lilies, and their ornithology to peacocks; who worshipped all that was archaic; who regarded their sensations as holy, and were for ever posturising and dwelling on their own exquisite emotions. We could not hope for a national school of any art without unanimity of enthusiasm. This condition had hitherto been supplied by religion, but German symphony and Elizabethan drama showed that the source was irrelevant. Where could *we* find such? Science afforded no bond, but rather severed. Four parties wrangled in Parliament, and the triple anarchy of theology, metaphysics, and science distracted society, and often a single mind. This had driven men to the woods, and the seas, and the four winds, where alone they could find rest. The movement had given us Turner, Landseer, and Tennyson. Repose, contentment, simplicity, community of thought, state, and people knit in the bonds of good-fellowship were not for us; therefore our art would be the art of cliques, and the artist would ever be conscious of the limited range of sympathy and the closeness of strife. Years alone would grant us what we sought, for art grew as the marble; she never burst from individual genius as Pallas from the brain of Zeus. Linked enthusiasm, such as had been exhibited by Paganism and Christianity, had produced noble art; time would tell whether Agnosticism or the Religion of Humanity were adequate to the task.

A Paper on 'The Prospects of the Higher Drama in England' was read by Dr. TODHUNTER.[1] The permanent decay of the drama has been prophesied by some critics; every form of Art having, by an inevitable law of nature, its period of culmination, after which it must decline. This law, though it may exist for particular arts within limited periods, cannot be proved to exist even for particular arts, much less for Art in general, within unlimited periods; and we find, in fact, that the drama, like other arts, has had its cycles of growth, decay, and renascence.

There are at present symptoms of the beginning of a vigorous dramatic revival in England.

Among the most hopeful signs of the times are the increased interest taken in the stage by persons of culture, and

[1] This Paper appeared in full in the *Journal* of the Dramatic Reform Association for November 1881.

the higher tone which is creeping into dramatic criticism. This has reacted for good upon the stage. The reign of burlesque is at an end, and immoral plays of French origin are beginning to fall into popular disfavour. There still remains, however, an ugly residuum of native British immorality and vulgarity for which we are not indebted to France.

In comparing the acting of the foreign dramatic companies which have recently visited London with that to be seen on our own stage, the advantage is by no means altogether on the side of the Continentals. In comedy the Bancroft company, for instance, may hold its own against the Comédie Française as regards *ensemble* and general efficiency of stage-business, while some of its members are more easy and natural, less stagey, than their French rivals. Staginess is academic art, of which the essence is unimaginative technical conventionalism. The Bancroft company have set a good example not merely in getting rid of much of the staginess but much of the vulgarity of English comedy-acting.

In the higher sphere of tragedy the strut and bellow of our average tragedians contrast unfavourably with the graceful ease and clear and natural enunciation of the Italians. The ranting delivery of blank-verse is one of the most offensive of the traditional false idealisms of the English stage. From Rossi and Salvini we may learn the possibility of expressing passion with dignity, and making Art a noble mirror for Nature; but we should not imitate that pathological realism which is the great fault of the Italian stage.

The Meiningen company have shown us what may be done by the careful drilling of supernumeraries. Beyond this we have nothing to learn from them except how Shakespeare should *not* be acted. The acting of the principal actors was stupidly and arrogantly bad, full of that self-satisfied Teutonic dulness from which even Goethe is by no means free. Nothing but German ideality could have conceived Romans without dignity, and represented Brutus without manliness or severity, and Portia as a frowsy, ill-dressed sentimental Haus-Frau.

The stage-drill system may result in even more inadequate performances than the star system, bad as that is.

To Mr. Irving the heartiest gratitude of every lover of the higher drama is due for his energetic and persistent efforts to make the Lyceum its worthy home. His success is proved by the increasing excellence of the performances, and the overflowing houses which they draw. He has given us this season a foretaste of the superseding of the star system by an *ensemble*

without mediocrity, and of the reconciliation between the poetic drama and the modern demand for scenery.

As improvement in public taste has tended to improvement in acting, we may hope that improvement in acting may result in the production of better plays. A great dramatist is the final product of a dramatic revival. A dramatic literature with little or no literary merit depends altogether on the actor for its ephemeral life; the actor is more the creator than the dramatist. No great dramatic work is thus produced.

The co-operation between Mr. Tennyson and Mr. Irving, as representatives of literature and the stage, is an encouraging sign of the times which shows that a field is now beginning to open for the poetical dramatist. Our modern poetical drama must not be a mere echo of the Elizabethan, which was a prelude rather than a climax, a crude and juvenile, and in some respects a barbarous thing. We must have more artistic workmanship in plot and character, and less turgidity of language than we find in the early drama, which yet was great after its kind.

In those nondescript romances of society frequently adapted from novels, so popular just now, plays like Tom Taylor's *Arkwright's Wife*, and Dion Boucicault's *Rip Van Winkle*, and a host of inferior productions of a similar kind, we may recognise the crude first-fruits of a new English drama, vital and modern. In spite of much slovenly workmanship, false sentiment, and sensationalism, there is good wholesome stuff in these things, and they afford scope for some of the best acting now to be seen on the stage. Mr. Jefferson's performance of Rip Van Winkle was exquisite; nothing better of its kind could be imagined. Mr. Charles Warner's Richard Pride is a perfect revelation of the mean depths of a selfish nature; Mr. Shiel Barry's Informer in the *Shaughraun*, and the Miser in *Les Cloches de Corneville*, are full of grotesque tragic power; and many other fine performances in plays of this kind must occur to every playgoer.

Dr. PHENÉ, F.S.A., F.R.G.S., contributed a Paper on 'The Refining and Humanising Influences of Art: the Persepolitan and Roman Periods.'[1]

The author drew attention to the fact that, as in former Papers, he had selected periods for comparison in which the national features treated of were either coeval or consecutive, and in which *contrasting* effects were most prominent; and as his object was to examine the influence of Art in forming or

[1] See *Transactions*, 1877, p. 766; 1878, p. 729; 1879, p. 781; 1880, p. 846.

swaying national character, the periods now selected exhibited *parallel* effects from similar causes though at a greater interval, and with powerful intermediate nationalities—hence leading to more decisive conclusions.

His last Paper, on the Asiatic and Roman periods, might be supposed to have included the present one, but in that he had treated of Asian Art during the time of the existence of high-class Art schools established after the period he was now considering.

It might be thought that so little was known of Persian Art, so little of Persian character, that there was but a slender foundation for evidence. That, he urged, was the evidence: the very little distinctive Persian Art and the flimsiness of Persian character bearing a marked relationship. The Roman character was firm and vigorous, and the area of Roman Arts extensive; but the parallel lay in the complete want of original Art in both nations, with the final similar result of annihilation. Indeed, the parallel was even more marked; for, in its earlier history, Persia assimilated to Rome in the primal temperance of its citizens and soldiers, simplicity of manners, dress, and customs, through which both countries achieved their conquests, and established their solidity, and at which periods, in each, Art was unknown. Both also succumbed under a false appreciation of Art, from its debasement to bodily and physical enjoyment, rather than comprehension of the mental and philosophical refinements its culture produces, with their consequent far higher and more intense enjoyment.

Although a momentary digression, he could give no better example than the following: When it was sought to introduce the Asiatic mysteries into Greece, the Greek leaders long resisted them as degrading to the morality of the people. When it was sought to introduce the gladiatorial shows of Rome into Athens, a cry was raised by the populace—'First throw down the altar erected by our ancestors to MERCY' (Lucian). Here was true refinement from true appreciation of Art; and it would be difficult to show that it proceeded from any other cause, as they were nations of a similar faith, and the Greeks even surpassing the others in military acquirements and courage, though numerically less powerful: while of the three they alone understood and cultivated Art. They alone had artistic originality, which taught them to reject alike sensual effeminacy from the East, and the cruel spectacular revels from the West. Greece, and Greek Fine Art alone, still live in fact; Rome and Persia but in history.

The effects upon existing nations have been widely different

through the Asiatic and Roman sway—notwithstanding their parallelism in deficiency of original Art; for Rome had a period of utilitarian Art in which Persia was wanting.

Both plagiarised to the fullest of their ability; both raised their palaces and enriched their capitals, not only with the wealth, but by the mental powers of the nations they conquered. The stupendous remains at Persepolis, combining the materials and dimensions used by Egyptian architects with the beautiful fluted columns and the capitals of *quasi*-Grecian Art, attest this. Though with an Oriental supremacy and appropriation, the capitals were surmounted by an Indo-Assyrian ornament, and shrouded with meaningless fretwork by Persepolitan artists, like the Eastern kerchief thrown over a captured beauty to indicate that a place would be found for her in the harem. Even the gorgeous apparel of the Persians, and their costly tents and equipments, were borrowed from the Medes; the introduction of which, by the great Cyrus, was a folly of age inconsistent with his youthful chaste severity. When satiated with conquest, and with the world at his feet, he resolved to fix his residence at subjugated Babylon:[1] he attired himself and his retinue, for the first time, in bejewelled and gold-embroidered Median robes, and with this was changed the retirement of the Persian women, who were thenceforward companions of the march and bivouac. The Persian is the effeminate feature of Art. The curious plan of Oriental enrichments, on the sides of the great staircase leading to the celebrated hall of forty pillars, at Persepolis, though having evidence of the Greek chisel, was also shown not to be original, but to have been borrowed from Chinese design.

Greatly different, the author pointed out, were the ruins of Rome. Worked less in costly marble than useful brick, in which she stands pre-eminent; her edifices tell, not only of palaces, temples, and triumphs, but of aqueducts, factories, shops, and highways—all borrowed from the Greeks of Europe or Asia, it is true; for Asiatic and Egyptian bricks, and (as we now know, from the recent discovery of that at Siloam) the aqueducts of the East also existed before Rome was; but wonderfully adapted, and beneficially widely spread. At the very time that Rome was sinking from the influx of sensual luxury that came in with the spoils of Asia, from her citizens not understanding the exquisite perfection and chaste purity of Greek art, at that moment Western Europe was being enriched in utilitarian works by her paternal government, soon to be polluted and withdrawn. But long as was the lapse and recoil

[1] Xenophon, *Cyropædia*, l. 7, p. 196; 8, pp. 213 to 220, and 206.

into inactivity and darkness, these Western nations have recovered what she has not, and what Italy is now only slowly beginning to feel—a renascency, not only of all imparted by that great civilising mother, but a picturesque and delicious charm arising from what Rome had not—the peculiar originality of each. So that whether in the useful, or in higher and refined Art, in painting, music, or literature, national originality, and national mind and genius, ennoble modern countries, while not despising the utilitarian Roman foundation of art established in each. If the Italian fine art school rose first, it should be remembered that Italy was the sole place of deposit for the sculptures and paintings brought as spoils from Greece, some of which paintings we know remained till the time of Pliny, and probably long after.

APPENDICES.

APPENDIX A.[1]

REPORT OF THE COUNCIL TO THE CONCLUDING GENERAL MEETING OF MEMBERS AND ASSOCIATES.

THE Council have to congratulate the Association upon the distinguished success of the 25th Annual Congress. The number of Members' tickets sold has been 247; of Associates', 861; and of Ladies' Transferable tickets, 86; making a total of 1,194. The Addresses and Papers have been of exceptional value; the discussions have been well sustained, and valuable results may be anticipated.

The cordial thanks of the Association are due to the President, the Right Hon. Lord O'Hagan, for his Inaugural Address, and for the kind and unfailing interest he has displayed in the discharge of all the duties devolving upon his office.

The best thanks of the Association are also due to the Right Hon. the Lord Mayor, for his active support and co-operation in the local arrangements so successfully made for the reception of the Congress; to the Provost and Board of Trinity College, for the use of their buildings, which have given to the proceedings of the meeting a convenience and facility which it would not have otherwise enjoyed; and to the local officers and committees, who have so energetically exerted themselves to bring the business of the Congress to a successful issue.

The Council would further tender their hearty thanks to the Statistical and Social Inquiry Society of Ireland, and to the Royal Dublin Society, for the soirées given to the Members and Associates. They would also cordially thank the Lady Mayoress for her reception of the Congress at the Mansion House.

The gratitude of the Association is also due to those gentlemen who have organised and who have offered facilities for carrying out the excursions promoted by the Local Committee.

The Council further tender their cordial thanks to the heads of the various institutions and manufactories who have so kindly thrown open their premises to visitors attending the Congress; to the Post Office authorities for the convenience afforded by the arrangements made; to the Council of the Chamber of Commerce for giving to

[1] See *ante*, p. 32.

members the entrée to their rooms; and to the committees of the clubs for extending the privileges of their houses to visitors.

The Council would lastly express their obligations to the members of the press for the admirable way in which they have reported the proceedings of the meeting.

The Council have accepted an invitation from the Mayor and Town Council of Nottingham to hold their annual meeting for 1882 in that borough.

The following are the detailed reports of the proceedings of the various departments:—

I.—Jurisprudence.

International and Municipal Law Sections.

In the Jurisprudence Department the first special question in the International and Municipal Law Section, 'Are any and what alterations in the Jury Laws desirable?' was opened by papers read by Mr. Joseph Brown, Q.C., and Mr. J. G. Swift MacNeill. A discussion followed, in which some of the existing legal provisions on the subject were severely criticised.

The second special question, 'Is it desirable that there should be periodical meetings of representatives of various States, to which all disputed International Questions should be referred?' was opened by papers contributed by Sir Sherston Baker, Bart., Mr. C. H. E. Carmichael, and His Excellency Don Arturo de Marcoartu. The readers and speakers were unanimously of opinion that arbitration, if practicable and effective, would be a very good thing for keeping the peace between nations; but there was great difference of opinion as to how far arbitration would be practicable and effective.

The third special question, 'Should the procedure on Private Bill Legislation in reference to Local Improvements be amended, so as to facilitate inquiries on the spot by Parliamentary Committees or otherwise?' was opened by papers contributed by Mr. Serjeant Pulling, Mr. Albert W. Quill, and Mr. W. S. Daglish. The present system of Private Bill legislation was strongly condemned, and various remedies were suggested.

Voluntary papers were contributed on the following subjects: On 'Decentralisation *à propos* of the Grand Jury Laws,' by Colonel Raleigh Chichester; on 'Suggestions for remedying defects in International Marriage Law as they affect Women Married in the United Kingdom to Foreigners,' by Dr. W. Neilson Hancock; a 'Report on Seduction,' by a Local Committee, as to the means of diminishing Vice and Crime in Dublin, read by Dr. W. Neilson Hancock; on 'The Law of Marriage in its bearing on Morality,' by the Rev. Nathaniel W. Carre. On 'The Registration of Title to Land' papers were contributed by Mr. R. Denny Urlin, Mr. H. Dix Hutton, Mr. James Musgrave, and Sir R. R. Torrens; on 'The Depositors in the Tipperary Bank, and the cost of proving Wills and distributing Small Assets in Ireland,' by Dr. W. Neilson Hancock; on the question, 'What are the limits of the right of Intervention for the Suppression of Slavery and the Slave Trade?' by Mr. Sheldon Amos; and on 'Recent Legislation and

attempted Legislation with regard to the Property of Married Women,' by Mrs. E. C. Wolstenholme Elmy.

One resolution was passed in this Section, and that was proposed on the reading of Dr. Neilson Hancock's first paper. The resolution was proposed by Mr. William Griffith and seconded by Dr. Neilson Hancock, and was in these terms:—

'That the Council be requested to take into consideration the conflicts of the British and Foreign Marriage Laws, and the frequency of invalid marriages contracted thereunder, and the inconveniences resulting therefrom, and to take such steps in reference thereto as they may think desirable.'

Repression of Crime Section.

The proceedings in this Section opened with a discussion, after papers by Mr. Wigham and Mr. Russell, on the results of the Irish Sunday Closing Act, and the further question of what should be the direction of future legislation. It was the almost unanimous opinion of the Section that the Act had been the means of effecting great good throughout the country in the decrease of drunkenness and attendant crimes, and that in the next session of Parliament the Act ought to be extended to the five exempted towns, Dublin, Belfast, Cork, Galway, and Limerick. The representative of the Grocers' and Vintners' Association challenged the competency of the Congress to pronounce on such a question, as the persons most concerned (the working men) were not represented; but it was replied that the wishes of the working classes were much more consulted by the temperance party.

The next question considered was the formation and improvement of Discharged Prisoners' Aid Societies, and the necessity of police supervision in connection with their work. Four papers by Mr. W. R. Crofton, Mr. Barwick Baker, Mr. Murray Browne, and Mrs. Meredith were read on these subjects. The value of such societies in the places where they have been established was strongly insisted upon, and it was stated that there had not been as much difficulty in procuring situations for discharged prisoners as had been anticipated. It was contended by some speakers that where police supervision is strictly carried out, many of the discharged prisoners merely move to some other locality to avoid it; but this was strongly denied by the supporters of the system.

The American system of reformatories for adult prisoners was next discussed. Papers on the subject were contributed by Professor Wayland and Mr. H. Safford. It was contended that it had met with great success so far as it had been tried, but it was generally felt that the experience yet obtained was not sufficient for the Section to advise its adoption. The further papers were on the question of Aid to Juvenile Offenders. The value of industrial schools was highly commended, and it was strongly urged that children under sixteen years should never be committed to the same prison as older offenders, but to intermediate reformatories, like the one lately established at Kilmore, near Dublin.

The Training of Prison Officers was brought before the Section in a paper by Sir Walter Crofton, and it was urged that there should be six months' probation for all officers in some special prison, where the means of instruction would be effectual. The expediency of establishing some special training for these officials was strongly supported by the opinion of the Section. Following this were read Reports of a Committee for diminishing Vice and Crime in Dublin, by Dr. Neilson Hancock; on the Protection and Rescue of Girls under twenty-one years of age; and on the Assimilation of the Law of Ireland on the liability of reputed fathers of illegitimate children to that in England. These subjects were fully debated, and the Reports were received by the Section.

A further paper, on the Necessity for Voluntary Agencies in reclaiming Children from the Streets, was read by Dr. Barnardo; and it was urged that industrial schools established by the State could not reach the great number of homeless children, and that it was much more easy to get such children to join the voluntary schools. It was, however, stated that it would be desirable that the voluntary homes should be subject to Government inspection.

A cordial vote of thanks to Dr. Mouat, the Chairman, was carried unanimously.

II.—Education.

The business of the Department commenced with a paper on Primary Education, by Mr. John Ferguson, President of the National Union of Teachers, the practical issues of which were well and fully reviewed from various sides. The inspection of schools was described by Mr. Fitzgerald, the progress of primary education in England and Wales by Mr. Hamilton, and some further points of much technical interest were treated of by Professor O'Sullivan and Professor Joyce, by the Rev. Dr. Molloy, the Rev. Robert Rice, Dr. Heine, and Dr. Laffan.

Four papers were contributed on Intermediate Education as promoted by the new Act of 1878. A close and very valuable debate followed on many points suggested by the great importance of this new feature of the educational system in Ireland.

The 'Higher Education of Women' came before the Department on Thursday in two papers by Mrs. Byers and Miss Helen Blackburn, and a large amount of hearty sympathy was expressed in favour of rendering both the means and tests of instruction open equally to boys and to girls. Education in connection with the general question of emigration was also brought under consideration in a paper by Miss Cusack; and the respective claims of physical science and of classical subjects were brought forward by Mr. J. S. Doherty, the Rev. W. Murray, and Mr. Keene.

University education, both in its political and social aspects, and with reference also to the extension of higher culture, was very fully and ably discussed on the last day of the Congress, raised on papers by Mr. Dawson, M.P., Professor Monck, and Dr. M'Divitt; and our proceedings closed by papers descriptive of the work of the Queen's Institute and College, by Miss Corlett, and of that of the Schools of the Christian Brothers, by Professor Boulger, and one on technical teaching by Pro-

ssor Hennessey, F.R.S.[1] These debates, though touching now and gain upon 'burning questions,' and calling forth the clear expression f very divergent opinions, were carried on throughout with a courtesy nd mutual forbearance which augurs well for the future investigation f the problems which still call for solution.

III.—Health.

This Department commenced its proceedings under the presidency f Charles Cameron, Esq., M.D., LL.D., and M.P., on Tuesday, October 4, when, in a fairly attended meeting, the special questions 'Is it esirable that Hospitals should be placed under State supervision?' y Henry C. Burdett, and 'On Hospital Administration in Paris nd London,' by Dr. Prosper de Pietra Santa, were read. An nimated and lengthened discussion ensued, which resulted in the ollowing resolution, which was passed unanimously:—

'That in the opinion of this Section, it be recommended to the Council of the Association that they should take measures to promote n inquiry with the view of securing independent supervision over the dministration of all public hospitals.'

Papers by Major T. Duncan, 'First Aid to Injured Persons,' and On Animal Vaccination,' written and read by the President of the Department, concluded this day's work.

On Wednesday, October 5, a well-attended meeting of the Section nimatedly discussed the special questions—'Is it (*a*) desirable that here should be a system of Compulsory Notification of Infectious Diseases? and if so (*b*) What is the best method of carrying such a system into effect? and (*c*) What is the best mode of enforcing the Isolation of cases of Infectious Disease?' Papers on these subjects, written by Mr. Michael, Q.C., and Dr. Moore, and a supplemental one from the pen of Dr. Stewart Woodhouse, entitled 'A Proposal obviating some of the Difficulties connected with the Compulsory Notification of Disease,' were read by their authors. A large majority of the speakers expressed a strong opinion in favour of the Bills introduced into Parliament last session by Mr. Hastings, M.P., President of the Council, and Mr. Gray, M.P., and advocated that the influence of the Association should be afforded towards passing the same into practical legislation. The day's proceedings terminated with a paper written by Mr. James Collins, entitled 'Notes on the Hygiene of the Dairy and the Dairy-yard.'

The special question, 'Is any further legislation desirable in order to more effectually prevent overcrowding in Dwelling-houses?' occupied the attention of the Section on Thursday, October 6. Papers with reference to the subject were read by the Honourable the Recorder of Dublin, by Dr. Charles A. Cameron, Medical Officer of Health for the City of Dublin; and by Mr. Edward Spencer, M.A. A protracted and animated discussion ensued, eliciting much valuable information, and occupying the whole time of the meeting. These papers related almost exclusively to the necessity for providing dwell-

[1] An abst this last paper, which was not submitted until the meeting of the Congres l be found at p. 873.

ings for the artisans, the question as to the overcrowding of existing dwellings being only incidentally alluded to. The almost unanimous feeling of the crowded Section found expression in the following resolution, which was passed with only two dissentients :—

'That in the opinion of this Section, it is desirable that the Corporation of Dublin should seriously consider the propriety of providing dwellings for the labouring classes under the provisions of the various Acts of Parliament relating thereto, and that the Section recommends to the Council of the Association that it should submit to the Corporation of Dublin this expression of its opinion.'

Subsequently a valuable contribution from the pen of our esteemed member and veteran sanitarian, Mr. Edwin Chadwick, C.B., entitled 'Progress of Sanitation—Preventive, as compared with Curative Science,' was read. This paper contained a record of the improvements effected in the sanitary condition of the Army in India brought about by the Royal Commission on the Sanitary Condition of the Army, issued in consequence, and being the result, of the papers read by Mr. Chadwick before this Association at our Liverpool meeting in 1858.

Want of time precluded a paper by Mr. John Fox, on the School System at Richmond District Lunatic Asylum, being read, but it will be found set out in our *Transactions*.

On Friday, October 7, the Section being well attended, the first paper read was one by Dr. E. MacDowel Cosgrave, 'The Use of Alcoholic Stimulants in Irish Workhouses,' and provoked a very animated discussion.

The following papers were taken together, and were thoroughly well discussed, namely, 'The present state of Legislative and other Treatment for the Habitual Drunkard,' by Dr. Norman Kerr, and 'Drunkenness and its Remedy,' by Mr. John Pyper. The feeling of the Section was that an endeavour should be made to obtain some practical effect by putting in action the clauses of the Habitual Drunkards Act. A paper was read by Dr. Mapother, written by Mrs. Morgan John O'Connell, entitled 'Sickly Children dependent on the State'; and a paper 'On the Necessity for extending the Operations of Ladies' Sanitary Associations' was contributed by Dr. Grimshaw, Registrar-General for Ireland.

A vote of thanks was passed by acclamation to the President of the Section for the ability and courtesy with which he discharged the duties of his office.

IV.—Economy and Trade.

In the Economy and Trade Department on Tuesday, October 4, papers on the first special question, 'What results may be expected to arise from an extension of the System of Participation by Labour in the Profits of Manufacturing, Agricultural, and Trading Enterprise?' were read by Messrs. Sedley Taylor, Joseph H. Fox, and James H. Campbell. The discussion, which was vigorously maintained, was marked by being joined in by practical men, and the feeling of the Section was nearly unanimous in favour of adopting measures

by which the workpeople should be enabled to share in the profits of the concerns where they were employed, and the production consequently be increased by the greater care and energy which they would devote to their work. A valuable discussion was also raised on the subject of small farming and on associated labour in conducting agricultural operations.

On Wednesday the whole day was devoted to the discussion of the second special question, 'What Principles ought to govern our dealings with other Nations as respects Tariffs, Bounties, and Commercial Treaties?' On this question two papers, thoroughly advocating absolute free trade principles, were read by Professor J. Shaw and Mr. G. Baden-Powell, while Professor Monck read a paper which advocated an increase of import duties on certain articles, by which our customs receipts might be increased by some twenty millions per annum.

The debate was rather one-sided, and the Section almost unanimously affirmed the absolute truth of the principle of free trade, and the falsehood of the doctrine that the benefits of free trade could not be realised without the practice of reciprocity.

On Thursday, the 6th, the special question, 'What Industries could be advantageously introduced into, or developed in, Ireland, which from natural causes are specially suitable to the Country?' was discussed in two papers written by the Rev. Joseph Chamney and by Mr. N. S. Richardson. Though there was evidently deep interest raised in the subject, and the papers were recognised as affording a great amount of information and suggestion, no definite practical proposition can be said to have met with general approval.

On the subject of the Poor Law, papers were read by Mr. Jephson and Mr. Shackleton. One of the papers was strongly directed against introducing the English system into Ireland, especially with respect to out-door relief; the other strongly advocating the application of English plans to Ireland. This divergence was maintained also in the discussion, but it was noticeable that every English speaker expressed a wish that out-door relief should be greatly diminished, but urged the adoption by Ireland of the system of union rating, while several Irish speakers were in favour of complete assimilation.

On Friday the pressure of voluntary papers necessitated the division of the Department into two Sections, one of which was presided over by the President, the other by one of the Vice-Presidents, Mr. Bonamy Price. In Section A papers were read on compulsory insurance, and on increased means of utilising the Post Office in the promotion of thrift. The debate on these points was carried on with great vigour, but it cannot be asserted that the Section was unanimous except in acknowledging that there are deficiencies in the present Post Office arrangements, but valuable information was elicited about benefit societies.

In Section B a paper on Irish railway management gave rise to an animated discussion, the results at which the author of the paper arrived being in the main approved, though Mr. Watherstone's facts and arguments were strongly opposed. After a paper by Miss Tod, on 'The Place of Women in the Administration of the Irish Poor Law,'

the following resolution was adopted unanimously by an audience of upwards of sixty: 'That in the opinion of this Section it would tend to the efficiency and economy of the Poor Law system in Ireland if women were eligible as Poor Law Guardians.'

The Section concluded by the reading of a paper by Sir J. B. Phear on 'The Efflux of Gold from England to America.'

V.—Art.

The meetings of the Art Department began on the morning of Tuesday, October 4, when, in the absence of the President (Viscount Powerscourt), Mr. Doyle, C.B., and afterwards Sir Robert Stewart, Mus. Doc., took the chair. The discussion on the first special question, 'What is the Influence of Annual Exhibitions of Contemporary Pictures on Art and Public Taste?' was opened by a paper by Sir Thomas Jones, P.R.H.A., who maintained that such exhibitions did not influence art or taste, but were rather the result of such taste, being a market in which were exhibited and sold such works of art as were demanded by the public. Mr. T. C. Horsfall, of Manchester, followed with a paper in which he urged the necessity for some more systematic method by which paintings and sculpture illustrative of subjects of interest, settled beforehand, should be exhibited. Mr. Cave Thomas also contributed a paper in which he protested against the fashion for easel pictures, and lamented the decline of more monumental work. He also advocated the opening of art galleries on Sundays. There was a good attendance, and though the discussion was perhaps too much directed to the Sunday question, which was only incidentally referred to in the opening papers, it was interesting and animated. In the afternoon Sir Robert Stewart again presided, and a paper by Mr. Pentland was read on the subject of 'Æsthetics and False Art,' in which the modern æsthetic movement was criticised.

On Wednesday, the 5th, Lord Powerscourt presided, and the second special question, 'What should be the Relations of Painting and Sculpture to Architecture?' was taken. A paper on this subject, contributed by Mr. H. H. Statham, was read in his absence by the hon. secretary of the Department, and was followed by one sent by Mr. Cave Thomas, read by the local hon. secretary. Mr. Statham maintained that in their highest forms painting and sculpture were not necessarily decorative, and not only could, but should, be treated irrespective of architecture. At the same time he considered that the architect should have the control of the painted and sculptured decoration of any building. Mr. Cave Thomas, on the other hand, insisted that the highest work in painting and sculpture was necessarily decorative, and that our buildings should be designed as the framework for such decoration. A short discussion followed, in which Mr. Statham's views were supported by the majority of the speakers. In the afternoon the chair was again taken by Sir Robert Stewart in the absence of Lord Powerscourt, and a paper by Dr. Todhunter 'On the Prospects of the Higher Drama in England,' was read, which provoked a brief discussion, in which the condition of the stage in Dublin was

chiefly referred to. Dr. Phené also read a paper on the 'Refining Influence of Art,' in continuation of papers read by him at former Congresses.

On Thursday, October 6, the third special question, 'What should be the condition of Copyright as regards Music, Painting, Sculpture, and the Fine Arts generally, considered in relation to the Bill introduced before Parliament?' came before a very small meeting. In the absence of Lord Powerscourt and of all the Vice-Presidents of the Department, Mr. Hastings, M.P., was requested to take the chair. Mr. Basil Field's paper was read by the hon. secretary, and in the discussion which followed general regret was expressed at the apparent apathy shown on this very important question. Some valuable suggestions were, however, made by Sir Robert Stewart, particularly with regard to the performing right in musical compositions, and some interesting cases under the existing law in the experience of artists present were given by Sir Thomas Jones. The Bill was very warmly supported by all the speakers.

On October 7 Lord Powerscourt presided, and papers by Sir Robert Stewart and the Rev. Dr. Macmahon on musical education were read. Sir Robert Stewart strongly urged the further development of musical taste in Ireland, and suggested the maintenance of an orchestra in Dublin; he also gave some valuable and interesting suggestions on the method of musical training. Dr. MacMahon warmly supported the claims of the people of Ireland for the more general teaching of music in elementary schools. There was a large attendance, and a very lively discussion took place, in which the action of the Irish Education Department was severely criticised, but found some defenders. In concluding this report of the proceedings of the Art Department, it may not be out of place to express some regret at the comparative want of interest taken in its work at this Congress. The number of papers sent in was very limited, so that the time allotted for its meetings has not been fully occupied, and though many of them have been well attended and some of the discussions have been well sustained, others, particularly that on the important question of copyright, have been characterised by a degree of indifference on the part of those who might well have been expected to have been present, and to have taken part in the proceedings, which is somewhat disappointing.

APPENDIX B.[1]

MARRIED WOMEN'S PROPERTY.

The following is the text of the Petition in favour of the Married Women's Property Bill, 1881:—

To the Honourable the Commons of the United Kingdom in Parliament assembled, the petition of the Council of the Society for Promoting the Amendment of the Law:

Sheweth,

That in the opinion of this Council, the Common Law of England

[1] See *ante*, p. 34.

which gives the personal property of a wife to her husband is unjust in principle.

That the Married Women's Property Act, 1870, while it enacted some salutary amendments in the law, left the aforesaid principle of the Common Law unaltered.

That while the operation of the law is injurious to women in all classes of the community, it presses with peculiar hardship on the poor, who cannot afford to protect themselves by marriage settlements.

That your Petitioners believe that the change in the law proposed in the Married Women's Property Bill, now before your Honourable House, is just in principle, and would remedy much of the hardship complained of.

Your Petitioners, therefore, humbly pray your Honourable House to pass the said bill into law.

And your Petitioners, as in duty bound, will ever pray, &c.

APPENDIX C.[1]

PROVIDENT DISPENSARIES. REPORT TO THE COUNCIL. BY ALFRED CARPENTER, M.D.

To the President and Council of the Social Science Association.

GENTLEMEN,

You did me the honour at your meeting, held on March 24, 1880, to appoint me, in conjunction with Mr. H. H. Collins and Mr. F. G. P. Neison, to represent the Association at a meeting of delegates, at Cannon Street Hotel, April 17, 1880, convened to consider the subject of Provident Dispensaries for the wage-earning classes.

The subject was fully considered by an assembly which is supposed to have represented about 500,000 men. A council had been appointed (at a previous meeting) of gentlemen interested in the subject, who presented a report which recommended a defined course of action, and at the suggestion of my fellow delegate, Mr. Collins, and with the unanimous approval of the meeting, I was added to that Council as a representative of your Association. The subject of Provident Medical Associations has been fully considered at very numerous meetings which have since been held by this Council, and a series of rules have been drawn up for the management of Provident Dispensaries.

An Association has now been formed with Mr. Stansfeld, M.P., as Chairman; Sir C. Trevelyan and Mr. W. Bousfield as Vice-Chairmen, with an efficient staff of officers for carrying into effect the resolutions of the Cannon Street meeting, viz.: That the Metropolis should be divided into areas, and gradually covered with Provident Dispensaries, at easy distances from each other, such branch Dispensaries being managed by local committees, but connected with the general body as a central governing body, the central governing body being the Council,

[1] See *ante*, p. 41.

as formed at the Cannon Street meeting, with one representative for each Dispensary which may be hereafter established.

A Joint Stock Company on the limited liability principle has been registered to raise the necessary capital, so that no taint of charity or benevolence shall form any part of the programme. Two Dispensaries are all but ready for work, and several others are in process of formation, so that it is to be expected that this problem of Social Science is in a fair way for being worked to a satisfactory conclusion upon a sound basis.

I have the honour to be, Gentlemen,
Your obedient Servant,
ALFRED CARPENTER, M.D.

Croydon, April 22, 1881.

APPENDIX D.[1]

REPORT ON THE THIRD INTERNATIONAL GEOGRAPHICAL CONGRESS, VENICE, 1881. BY C. H. E. CARMICHAEL, M.A., DELEGATE.

Whether as taking up the thread of questions mooted at previous Congresses, or as raising fresh subjects of discussion, the programme of the Venice meeting contained ample matter of interest to our Association. Although unavoidably prevented from fully carrying out my mission, I have endeavoured to supply this deficiency by correspondence with the authorities of the Congress, and I have to thank the General Secretary of the Organising Committee, Professor Dalla Vedova, for his prompt and ready response to my inquiries.

In a certain sense, of course, the Venice meeting, while independent as regards its own action, may be regarded as a continuation of the Antwerp and Paris Congresses. Some of the resolutions of the Paris meeting, indeed, came up again for discussion at Venice, as some of the Venice resolutions will probably reappear at the next meeting. That is but a natural condition of affairs, shared by the Venice Congress with many others. The general work of the Geographical Congress was divided into eight groups:—

1. Mathematical geography, geodesy, and topography.
2. Hydrography and maritime geography.
3. Physical geography, meteorology, geology, botany, and zoology.
4. Anthropological geography, ethnology, philology.
5. Historical geography and the history of geography.
6. Economical, commercial, and statistical geography.
7. Methodology, teaching and diffusion of geography.
8. Explorations and travel.

Of these groups, each and all of high interest to the students of various branches of science, I conceive that our Association will be mainly interested in Groups 3, 5, 6, and 7. The reports in some of

[1] See *ante*, p. 43.

these groups, unfortunately (notably in Groups 3 and 6, and, to a less extent, 8), were not ready in time for me to be able to summarise them for our own Congress; but I shall be glad to add any special points that may be deserving of note before the publication of our Transactions.

One question in Group 2, though not in one of the groups most directly connected with our various Departments, I should nevertheless like to mention, on account of its connection with the general question of accuracy in atlases. Captain Magnaghi, of the Royal Italian Navy, Director of the Hydrographical Office of the Italian Admiralty, in treating question 8 of Group 2, draws attention to a somewhat lengthy list of coasts, which he divides into three classes [1]—1, well, 2, inadequately, 3, imperfectly (coasts which have been scarcely at all surveyed) laid down. The list would be too long for insertion here, but I may not improperly draw attention to the circumstance that Captain Magnaghi includes Cyprus, both sides of the Red Sea, and the Persian Gulf among the coasts inadequately laid down. In view of the progress of modern science there seem to be strong claims upon us for perfecting the surveys of the three sets of coast lines which I have extracted above. The third class, that of coasts imperfectly laid down, and scarcely to be described as surveyed, also includes several coasts in which we are more or less directly interested—viz. in Australia, the Gulf of Carpentaria, from Melville Bay to Cape York; South Australia, from Albany to the Nuyts Archipelago; in the Indian Ocean and China Seas, the coasts of Burmah and Malacca, and a considerable part of Japan; in North America, the northern parts of Labrador, Hudson's Bay, &c. I may add that Captain Magnaghi pays a high compliment to the extensive and valuable hydrographical survey work which has up to the present time been accomplished by the British Admiralty. But it is evident that a good deal remains to be done.

The meteorology of the Polar regions is a subject perhaps not strictly within the limits of any one of our Departments; but there is so much general interest felt throughout the United Kingdom in Arctic questions that I think I ought to mention a joint report by Professor Blaserna, Director of the Royal Physical Institute, Rome, and Signor Guido Cora, the editor of 'Cosmos,' in which the establishment of a series of Polar stations is urged, in order to secure continuous and simultaneous observations. The stations suggested embrace both Poles. Since the report of Blaserna and Cora was drawn up, a meeting of the International Polar Committee has been held at St. Petersburg, and has passed resolutions in a similar sense. Signor Tacchini, Director of the Central Office of Meteorology, Rome, and Signor G. Schiaparelli, in a joint report, follow up the recommendations of Blaserna and Cora by urging the establishment of more extra-Polar stations.

In the anthropological group, it may be of indirect interest to

[1] Strictly speaking, Captain Magnaghi has four classes, but one consists of coasts fairly well laid down, but not sufficiently re-surveyed, and is therefore, it seems to me, a subdivision, rather than a separate class.

some of our Departments if I mention a brief report by Professor Mantegazza, of Florence, on the geographical distribution of nervous stimulants. The use of these, says the Professor, forms a considerable portion of the psychology of the various races of the world, and the study of their distribution throws much light on ethnography, disclosing, as it does, the commercial relations, the conquests, and the tastes of the human race. A map of the distribution of the use of the various stimulants would be an outline map of no small part of the history of civilisation.

In Group 5, Professor Malfatti, of the Institute of Higher Studies, Florence, draws attention to the hitherto almost unused materials for the historical geography of Italy in the Middle Ages. This is a subject really of very great importance, from a wider point of view than that to which Professor Malfatti was confined by the limits of the question before him. I need scarcely remind our Association how persistently the claims of historical geography have been advocated by one of our most eminent living historians, Mr. E. A. Freeman. For myself, I can only say that I am unable to see how anything worthy of the name of history can be taught without constant reference to historical geography; and as little can I see how political (as distinguished from physical) geography can be taught without reference to the historical development of the States which form its subject-matter.

In the forefront of Group 7 stands a report by Professor Dalla Vedova, of the University of Rome, on a very interesting theoretical question—viz. the determination of the scientific conception of geography, and its limits in relation to the other sciences.

At the outset the Professor admits that geographical science has in our days overflowed its strict limits, partly on account of the ever-increasing wealth of scientific observations, partly by reason of the perfecting of scientific instruments and the rapid growth of new and special studies. Thus while, on the one hand, the field of scientific geographical knowledge has been largely increased, geography itself has been, so Professor Dalla Vedova argues, somewhat displaced. But the old traditional mode of treating it, he continues, is out of date, and a new geography has arisen. Under the circumstances we have to ask ourselves, says the Professor, the following questions:—

1. Should the scientific end of geography be limited to the existing *inorganic* forms of the superficies of the earth, or should it extend also to the *organic* forms?

2. Since each of these categories forms the object of a special science, where are the limits and what is the distinctive character of the end of geographical science, and of the several sciences? Or, while admitting that there exists a group of geographical sciences, must we deny that there exists a science of geography?

3. And if it be admitted that organic forms, and hence man, both as a physical and social being, are among the subjects of geography, at least from some points of view, what criteria must be applied to the delimitation of the study, for geographical purposes, of the organic world and the human world?

4. If a geography of man be conceded, should it, in the general

economy of geographical science, occupy a higher place than that of any other branch, and if so, to what extent, and in accordance with what principles?

5. If geography be thus treated, shall it be ranked among the natural or the social sciences, or, with its various parts, take the lead of both sciences? And what are the criteria for solving this question?

6. Lastly, should geography limit itself to the registration, classification, and representation of the forms of our globe, or should it seek out their causes, and if so, how shall it best accomplish this without invading the field of the other sciences? And what name shall we give this new geography to distinguish it from the old?

Of this ample list of suggestive questions, No. 5 is particularly interesting to a Social Science Congress. There is ground, surely, in the very fact of this my report to our Council, for considering geography as one of the branches of social science, or, as Professor Dalla Vedova puts it, one of the social sciences.

I have not much more to which, with my present materials, I can ask the attention of our Dublin meeting. But it will probably interest many to know that the historian of Sicily under Mahometan rule, the Senator Michele Amari, contributed to the Venice Congress a report recommending some agreement among the various geographical societies with regard to the orthography of place-names. On the representation, or rather misrepresentation, of Arabic names, Michele Amari cannot but be listened to with great respect. And in days when some ardent reformers, it may be thought, are too apt to damage their cause by an attitude of uncompromising severity towards old-fashioned spellings, it is worthy of note that so high an authority as Amari urges as our pressing need, not the definition of a scientific dogma, but the establishment of a *modus vivendi.*

Last, but not least in practical value, I come to the question of the teaching of geography in the classical schools of the kingdom of Italy, by Professor Luigi Schiaparelli, of the University of Turin. I am afraid that on this subject we can only re-echo for ourselves in a great measure the words of Professor Schiaparelli, when he complains of the deficiency of material aids to the teaching of geography, and the confused style and dry writing of the ordinary text-books. Much has no doubt been done among our schools by the competitions for prizes offered by the Royal Geographical Society. But prizes have scarcely more than an indirect effect upon teaching and upon text-books. Professor Schiaparelli complains of the practical non-existence of a special geographical professoriate, and of the want of reality of geographical teaching in the University normal schools, where the teachers of the secondary schools of the kingdom are trained.

These complaints, *mutatis mutandis*, will probably, if I mistake not, find supporters among ourselves. But whether this be so or not, it will at least be admitted, I hope, that I have shown cause for a high estimate on our part of the value of the discussions at the Venice International Geographical Congress of 1881.

APPENDIX E.

ABSTRACT OF PROFESSOR HENNESSEY'S PAPER ON 'TECHNICAL EDUCATION IN IRELAND.'

Professor Hennessey, F.R.S., contributed, in the Education Department, a Paper on 'Technical Education in Ireland.'[1] He combated the conclusion of a Committee of the Society of Arts that the proper place for the cultivation of technical instruction was in the Universities, and urged that they would be more fittingly placed in the great centres of industry. If a country like England had to supplement the practical knowledge of her workmen by the establishment of special schools for teaching the sciences and arts applicable to manufacturing industry, such aids were much more required in Ireland, and he emphatically denied that her population were fit only for the common kinds of manual and pastoral labour.

In visiting the historical schools of the capitals of Northern Europe, he had been much struck by the superiority of workmanship of many important objects in the Irish collection coming from early mediæval times, but from the twelfth or thirteenth century her industries had apparently been arrested. This he attributed to the course of political events, and it was not to be inferred from it that her people were incapable of success in industrial pursuits requiring a high class of skill.

Elementary and higher education had been made accessible to all during the present century and the policy of restriction abandoned, but a well-constituted system of technical education was yet to be supplied. Many Continental nations were rivalling English industry by means of their superior means for technical instruction, and the industrial movement in Ireland should be accompanied by such training based on a solid foundation of knowledge of those sciences and arts which bear directly upon industry, the practical exercise of which belonged to the workshop and the factory, where education had hitherto been given in connection with trade apprenticeship. The systematic study of principles has arisen within a comparatively recent period.

The Professor referred to the technological colleges in France, Germany, Switzerland, Sweden, and especially in France, which have assisted in forming some of the professors now carrying out such educational work in Ireland. The experience gained in other countries served to point out the course required for Ireland. Sound elementary principles of certain sciences must be first taught. All technical students must know how to weigh, measure, and calculate. They must also be practically exercised in geometrical and freehand drawing. Other subjects should be more or less studied according to the ultimate specialty of each student. These subjects are principally physics, chemistry, and mineralogy. In the higher technical colleges the course on these subjects can be made complete and exhaustive, but

[1] This Paper was not sent in before the meeting of the Congress, and the MS. was not afterwards received until the sheets containing the Education Papers had issued from the press.

for technical education adapted to the working classes the scientific courses must necessarily be more elementary and restricted.

Dublin, he had pointed out, was rather a professional and commercial than a manufacturing city. If the suggestion of Mr. Dawson were adopted to convert some of the National model schools into technical schools, these should be first organised in localities where the manufactures taught were already in operation. Afterwards, wherever extensive factories were in course of construction, a technical school should be simultaneously established, so as to furnish a nursery on the spot for the class of skilled workers these factories would hereafter require.

The higher technical education is already in operation in the Royal College of Science, where instruction is given to students in those sciences which are closely connected with mining, manufacture, and engineering. Owing to the limited number of professors, the same results cannot be as yet expected as in the great technical colleges of the Continent, but the college is provided with laboratories, a library, and appliances, which are as complete as those of some of the great technical colleges in Europe. The courses of instruction have been remodelled, so as to be more specific and more directly applicable to each of the technological departments comprehended in the college arrangements. In this way students will be throughout the greater part of their college career occupied with studies closely connected with their future professional avocations. These arrangements will come fully into operation early during the present session of the college, and it is to be hoped that the results will show the wisdom of the improvements. Almost all the students who have successfully passed through the college have obtained employment either in connection with scientific education or in the technical arts and manufactures. Of the latter the majority have obtained positions in England and the Colonies, but a steadily increasing demand must arise for men possessing a high order of technological knowledge, in Ireland as well as in other countries, if the proposed development of manufacturing industry should be earnestly pushed forward to its complete realisation.[1]

[1] See *Transactions*, 1868, p. 437.

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